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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

ninth session

SUMMARY RECORD OF THE 162nd MEETING

Held at Headquarters, New York,
on Tuesday, 30 January 1990, at 10 a.m.

Chairperson: Ms. EVATT

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Consideration of reports submitted by States parties under article 18 of the Convention (continued)

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second periodic report of the Ukrainian Soviet Socialist Republic (continued) (CEDAW/C/Add.8 and Amend.1)

1. At the invitation of the Chairperson, Mr. Makarevitch and Ms. Kovalskaya (Ukrainian Soviet Socialist Republic) took places at the Committee table.

2. Mr. MAKAREVITCH (Ukrainian Soviet Socialist Republic) said that Mrs. Mariya Orlik, Deputy Chairman of the Council of Ministers of the Ukrainian SSR and Chairperson of the Republic Council of Women, had been unable to come to New York to introduce the second periodic report of the Ukrainian SSR. He read out a message from Ms. Orlik to the Committee.

General questions

3. The second periodic report of the Ukrainian SSR (CEDAW/C/13/Add.8 and Amend.1) began with article 7 of the Convention because there had been no changes in the Republic with regard to the provisions of articles 1 to 6.

4. During the years of Soviet power in the Republic, the status of women and their role in society had changed radically. However, a critical assessment of the past had shown that quite a few problems requiring a solution had arisen in that area. Such problems included certain distortions in the area of female employment, an excessively strenuous work-load for women as a result of an inadequate social infrastructure and of antiquated views regarding the distribution of household tasks, and an insufficient level of women's participation in the decision-making process. Perestroika had given rise to new problems, such as the effect on women of lay-offs in the work force. The best ways of ensuring the social protection of women were currently being discussed at meetings of labour collectives and women's councils, in the press and at sessions of the Supreme Soviet. Opinions varied greatly and were often diametrically opposed. What was most important in solving the "women's question" was to promote acceptance of the idea of women's equality in the modern world and to discard the centuries-old error of perpetuating a disharmony between men and women.

5. In its State policy, the Ukrainian SSR sought to promote women's rights by making improvements in their living and working conditions, by strengthening the family, by broadening juridical guarantees for their social protection and by improving methods for monitoring the implementation of that policy. At the same time, new approaches to women's issues, which would be in keeping with the changes brought about by perestroika were being actively sought. The Ukrainian SSR was endeavouring to consolidate its past achievements and eliminate obsolete practices. It was extremely important to take due account of the economic, demographic, social, juridical, moral and national aspects of women's issues.

(Mr. Makarevitch, Ukrainian SSR)

6. The Ukrainian SSR attached great importance to the further development of co-operation among States in the humanitarian sphere and to the enhanced role of the International Court of Justice in world affairs. Having recognized the binding jurisdiction of the International Court of Justice on mutually agreed terms, the Ukrainian SSR had withdrawn its reservations to a number of multilateral instruments in the field of human rights, including a reservation to paragraph 1 of article 29 of the Convention on the Elimination of All Forms of Discrimination against Women, which had been withdrawn on 14 March 1989 by a decree of the Presidium of the Supreme Soviet of the Ukrainian SSR.

7. Ms. KOVALSKAYA (Ukrainian Soviet Socialist Republic) said that, in the Ukrainian SSR, all forms of violence against the life, health, freedom and dignity of the person were punishable by law. Such crimes were enumerated in the Penal Code of the Ukrainian SSR and were subdivided into crimes against life - principally murder - and crimes against health, which dealt with various forms of bodily harm, such as beatings and torture, and included the spread of venereal disease. Other crimes included illegal abortions and sexual offences, especially rape. In the Ukraininan SSR, rape was a serious crime and was punishable by 3 to 10 years' imprisonment; in very serious circumstances, it was punishable by up to 15 years' imprisonment or the death penalty. As that example showed, the Ukrainian SSR provided sufficiently stringent juridical guarantees to protect women from rape. The Government was currently taking measures to step up the fight against all forms of crime, including crimes against women. Despite the measures it had taken, the crime situation in the Republic remained alarming. According to the Ministry of Internal Affairs of the Ukrainian SSR, 730 acts of violence against women had been recorded in 1989. Various factors, including shortcomings in the work of internal affairs bodies, had an impact on the crime rate. Not enough preventive work was being done with offenders with previous convictions, or with minors whose names were on the books at police headquarters.

8. There were 70,000 orphans and abandoned children in the Ukrainian SSR, 36,000 of whom were under guardianship. The rest were in boarding schools, children's homes and infants' homes. The Republic Children's Fund provided assistance with the establishment and operation of family homes for children. Family homes for children were a new phenomenon: on their own initiative, people brought up orphans with their own children. The Ukrainian SSR had registered 25 such homes, in which 138 children were being reared. In such situations, the parents received salaries and the children received stipends.

9. There were various reasons why children were abandoned by their mothers. Most often they were the illegitimate children of young women who did not want or did not have the means, to raise a child. Some were the children of alcoholics. Lastly, there were children who had been abandoned by career women. Unfortunately, the number of illegitimate children continued to grow. While in the years 1975-1979, 8.5 per cent of all children born had been illegitimate, by the beginning of 1988 that figure had risen to 9.8 per cent. Only about 40 per cent of such children were registered by both parents.

(Ms. Kovalskaya, Ukrainian SSR)

10. At the all-Union level, perestroika and glasnost had resulted in the establishment of a national mechanism for enhancing the status of women. A committee of the Supreme Soviet of the USSR and a division of the Council of Ministers of the USSR had been established to deal with women's issues and the protection of the family, mothers and children. Changes in that area were expected in the Ukrainian SSR after the elections to be held on 4 March 1990.

11. Perestroika had introduced a new phenomenon: the election of managers of enterprises and institutions by labour collectives. The results of such elections had been very encouraging for women. According to the State Statistical Committee of the Ukrainian SSR, in 1988 women had accounted for 26 per cent of the 308,700 managers elected by labour collectives. Women accounted for 74 per cent of managers in the branch of supply and sales of materials and machinery, 70 per cent of managers in communications, 48 per cent in technical information services, 44 per cent in culture and art, 28 per cent in the health-care professions, 28 per cent in everyday services and 23 per cent in industry.

12. New sources of financing for social programmes had appeared. Such financing was being provided by enterprises which had switched over to economic accountability. In 1989, a number of enterprises in the Ukrainian SSR had begun to pay full benefits to female employees who took leave to take care of a child up to the age of three years. That had been a timely measure, since the State currently granted women partially paid leave to take care of a child up to one year of age, and leave without pay until the child reached the age of 18 months. As of August 1990, State-paid leave would be provided until the child reached 18 months. Enterprises also carried out other social programmes in such areas as housing construction and supplements to State pensions, and were increasing their funds for providing assistance and bonuses to workers.

13. The co-operative movement was helping to solve the problem of food shortages by supplying the market with consumer goods needed by housewives and mothers. New laws - in particular, laws on property, leasing and contracting - were being drafted to strengthen the new co-operative movement.

14. In recent years, individual and co-operative housing construction had been encouraged, and the State had become more liberal in providing credit for such activities. In addition, enterprises gave their support to housing programmes. All those measures helped fulfil one of the principal objectives of perestroika's strong social policy: to provide every family with its own apartment or house by the year 2000. Over the past four years (1986-1989), the construction of 1.4 million apartments had made it possible to improve the living conditions of 6.6 million people. Conversion of the weapons industry, particularly to the production of medical equipment, was particularly promising.

15. As a result of the decentralization of foreign economic ties, Ukrainian enterprises now had the right to deal directly with foreign partners and to engage in joint ventures for the production of consumer goods.

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(Ms. Kovalskaya, Ukrainian SSR)

16. Perestroika had provided tremendous impetus to the activation of social life and had furthered mutual understanding among people and ethnic groups. Thanks to it, the qualities of kindness and charity had returned to Ukrainian life and individual citizens were contributing their personal savings and earnings to supplement State spending in such humanitarian fields as the care of handicapped children.

17. As a result of perestroika, the best sanatoriums, holiday homes and hospitals, which had formerly been used only by government officials, were being converted into homes for maternal and child care and specialized children's clinics and hospitals, and some administrative buildings were being transformed into children's creativity centres.

18. She could continue the list of what perestroika had actually done for women. The fact that people discussed openly and freely, at all levels and in all the media, crucial women's issues along with other important political, social, economic and cultural issues had been one of the visible achievments of perestroika.

19. What kind of problems did women face? First, despite Ukrainian women's generally high level of education, 25 per cent of the female labour force worked under conditions which were harmful to their health, 35.7 per cent were engaged in manual labour and 750,000 worked on night shift. Secondly, there were deviations from the principle of equal pay for equal work. Thirdly, women's participation in the decision-making process was not commensurate with their level of education, and women with higher and secondary specialized education held far fewer managerial positions than men. One reason for such discrepancies was that women lagged behind in professional training. Another reason was that working women had to cope with the additional burden of household responsibilities. Another factor which had to be taken into account was the deep-rooted prejudice towards women who chose professional careers, and a lack of confidence in their capabilities as managers. Women's "double work-load" reinforced that obsolete stereotype, levelled a woman's individual qualities and capabilities, strengthened "patriarchal" attitudes in society and discredited the very concept of women's liberation.

Articles 2 and 3

20. Sex discrimination was illegal in the Ukrainian SSR and the country's labour laws helped ensure equality by providing special job protection, particularly for pregnant women and mothers of young children. Women were granted a number of legally enforceable special benefits that were protected by the courts. Any administrative failure to provide those benefits, or acts of discrimination, could be reported for appropriate action to the procurator's office or to professional bodies and the women's councils.

21. Republic legislation normally applied in court cases except where an international treaty or agreement to which the country was a party was involved. The relevant provisions of the Convention could thus be invoked in the courts.

(Ms. Kovalskaya, Ukrainian SSR)

22. In 1976 the Permanent Commission on Women's Working and Living Conditions and the Protection of Mothers and Children had been established to deal with women's working and living conditions, draft relevant legislation and review relevant social and economic development plans affecting women. The Commission heard reports from official bodies on matters pertaining to women, and acted upon them. It could also review complaints from individual women and take measures to meet their legitimate demands. Similar commissions existed at the district levels. The Commission monitored compliance with the law and submitted legislative proposals. Its decisions and conclusions were binding. The relevant bodies and officials had to consider its recommendations, meet its requests and provide it with the necessary materials and documents. It consisted of deputies from the Supreme Soviet of the Ukrainian SSR, and its members represented a broad spectrum of the population reflecting the interests of the working people. Its decisions were taken after free and open discussion.

Article 6

23. Prostitution, which was now being openly discussed after a long period of silence, was no longer caused by poverty and hunger but by the desire for wealth and an easy life. It was felt that repression would only exacerbate the problem and an educational approach was preferred to regulation, although the corruption of minors and the running of houses of prostitution could be prosecuted. It was felt that prostitution must be morally condemned and could best be overcome by fostering feelings of self-respect. As of 1 January 1990, there had been 324 prostitutes registered with legal protection agencies; in 1989, administrative action had been taken against 152 women for prostitution.

Article 7

24. A comprehensive approach must be taken to enhancing women's role in economic and political life and other areas, showing due regard for the specific needs arising from their physiology and their child-rearing function so as to avoid overburdening them. Appropriate committees and commissions had been established within the Supreme Soviet of the USSR to ensure their social protection, and an independent division was being established within the Council of Ministers of the USSR. The Supreme Soviet of the USSR also had before it proposals to establish a comprehensive system for the protection of women.

25. There had been no significant political changes in women's participation in legislative bodies since her country's initial report. The proportion of women in the Supreme Soviet of the Ukrainian SSR and lower governmental bodies was still 36 per cent, although qualitative improvements had taken place in that a number of women now occupied senior posts.

26. Nearly one third of the 3,300,000 members of the Communist Party of the Ukraine were women, and many of them held leadership positions. In the Central Committee of the Communist Party of the Ukraine, nearly 10 per cent of the secretaries of district committees were women and there was a woman member of the

(Ms. Kovalskaya, Ukrainian SSR)

Politboro. Women played an important role in preparing basic Party decisions and documents and 27.2 per cent of delegates to the twenty-seventh Party Congress had been women.

27. The role of women in various walks of life extended far beyond matters related specifically to women. They participated widely in decision-making on virtually all political, economic, social and cultural issues. It was not unusual or exceptional for women to hold senior positions in all fields, but they also had specific areas of competence related exclusively to women's issues, such as the monitoring of compliance with labour laws affecting women. That did not, however, restrict their participation in other areas.

28. Under the country's Constitution and electoral laws, women who had reached the age of 18 had the right to vote and to be elected. Under the law, voting rights could not be limited directly or indirectly on the basis of sex. Women could be put forward as candidates to the legislature by public organizations such as the women's councils or from their place of work or study or residence.

29. As part of perestroika, a decision had been taken to establish, within the Council of Ministers of the USSR, an independent division to deal with women's issues and the protection of the family, mothers and children. That division would make its parent body more aware of the need to give women a greater role in the political, economic and other fields and to protect them at work and in the home. After the forthcoming elections, consideration would be given to establishing such a division in the Ukrainian SSR.

30. With a view to ensuring women's participation and input in matters directly concerning them, it had been decided in 1987 to combine the women's councils, which had previously focused on local problems without co-ordinating their activities into a single system. Since then, their numbers had doubled and co-ordination machinery had been established. There were now over 57,000 such councils operating at all levels, with a total membership of nearly 500,000 women. Local councils were relatively independent and focused on local issues. The councils had an input into legislation and decisions affecting women and had campaigned in the legislative elections with a platform calling for better social protection for working women and mothers. The Republican Council of Women had submitted proposals for the establishment of State machinery which would use scientific analysis and forecasting to solve the entire range of problems connected with the social protection of women, the family and children. A comprehensive population development programme for 1991-2005 had been drawn up, with the participation of the women's councils, that included programmes on marriage and the family. Women's councils at various levels had established comprehensive programmes for joint action by State and non-governmental bodies on family and health problems, and had also contributed to the drafting of a maternal and child protection law.

31. In addition to addressing women's social concerns, the women's councils participated actively in the struggle for peace and co-operated with women's organizations abroad in combating discrimination. The councils needed to acquire

(Ms. Kovalskaya, Ukrainian SSR)

professionalism, expertise and scientific research on women's problems, but in the absence of specific legislation their legal status was unclear. Their main task was to help women not only change their objective situation, but also become aware of their own strengths and to assert themselves in a role that was suited to their natural abilities and inclinations, as well as to help create for them the necessary conditions for combining motherhood with active participation in socially useful work.

Article 8

32. In 1989 more than 34,000 Ukranian citizens had travelled to socialist countries on official business; 40 per cent of them had been women. Of the 4,200 people sent on official assignments to Western countries, 900, or 21.4 per cent, had been women. Women accounted for 4.2 per cent of the 168 representatives of the Ukrainian SSR who had taken part in meetings of international organizations. Ten per cent of the employees of the Ministry for Foreign Affairs who had taken part in such events had been women. Lastly, 10 per cent of the Ukrainian nationals employed in the secretariats of the United Nations and UNESCO, and 12 per cent of those in the IAEA secretariat, were women.

Article 10

33. Since 1986, there had been a slight increase in the number of male students in specific disciplines. The overall number of students had not increased. One positive development was the increase in the number of male students in teacher training institutes.

34. A comprehensive reform of the entire educational system was under way in order to give schools and teachers greater autonomy in planning curricula and designing textbooks. Specialized courses on the family, its role in society and the distribution of family responsibilities were envisaged, and a sex education programme had been worked out for the more advanced grades. The entire approach to teaching and education had been democratized, humanized and made more creative, and corresponding changes were being made in textbooks and in teacher training courses.

35. Under the law, women could marry at the age of 17 and men at the age of 18. The number of student families had increased because of the accelerated physiological, social and psychological development of young people that was characteristic of all countries, and also because of a permissive environment and more extensive social protection. Students were awarded scholarships on the basis of performance and need. Married students lived in dormitories and student mothers could take academic leave to take care of their children. The children of student parents were given priority in pre-school educational establishments. There were 32,000 student families, 93 per cent of whom had rooms or one-room apartments in student dormitories. Social services and financial aid for student families were available on campus.

(Ms. Kovalskaya, Ukrainian SSR)

Article 11

36. The Government approached employment policy from both a quantitative and a qualitative standpoint. Women had a broad range of occupational interests. In 156 out of the country's 290 recognized occupational groups half or more of the work force were women. Single-sex labour collectives were rare, and collectives in which men and women were equally represented had a more favourable working environment. Such collectives were also socially and psychologically healthier and more conducive to marriage.

37. In the past, the Government had tended to measure its success in improving the status of women on the basis of figures alone, and quotas for the employment of women were still applied in some cases. However, administrative measures of that sort represented no more than "first aid", and the need to provide economic incentives was now recognized. The employment sectors in which concentrations of women were highest, namely health care and education, could well gain from attracting more men. Of course, competence and dedication would have to remain decisive factors in the selection of candidates. The pay increases granted to teachers and doctors over the past few years with a view to eliminating inequalities in the remuneration of women had had the positive effect of attracting more men into those professions.

38. With regard to occupations in which women were not traditionally employed, technical courses were quite popular among female students. Women now accounted for about 40 per cent of those employed in machine assembly and metalwork, and approximately one third of the Republic's engineers were women. Obviously, there was a need to create economic conditions in which the fact that a person was of a particular sex or had children would not in itself have any negative or positive consequences. The development of the co-operative movement appeared to hold promise in that regard, if provision was made for special retraining programmes.

39. Over the decades, women had achieved quite a high level of representation in elected State organs. The State now had the duty to ensure that all individuals, including women, could enjoy freedom of choice in accordance with their wishes and their capabilities. A multifaceted campaign of education and enlightenment designed to improve society's moral and psychological attitudes was also required in order to eliminate outdated stereotypes which tended to belittle women's abilities. Women themselves could help to achieve such objectives by taking part in decision-making at the highest levels, initially through the women's councils. The councils required more active members who could acquire authority as public figures, in preparation for elections which would give them their first chance to take independent steps in the political arena.

40. The average monthly wage for manual and office workers had risen in 1988 from 185 to 196 roubles (R), while the average wage for women was approximately R 140 roubles. Most of the 600,000 people who received an average wage of under R 80 were women. It was true that women were being paid less because certain sectors such as health care, education, cultural affairs, textiles and light

(Ms. Kovalskaya, Ukrainian SSR)

industry had been "feminized". In recent years, however, teachers, health care workers and social workers had received pay increases, and an increase was imminent for cultural workers. A comprehensive review of pay scales for all areas of "women's work" nevertheless remained necessary, and related discussions were under way.

41. Constant efforts were being made to improve conditions in the workplace, and specific information on recent results and future plans in that regard had been provided in document CEDAW/C/13/Add.8/Amend.1. During the period 1986-1988, the number of workers subject to unfavourable working conditions had been reduced as planned, and the number of health and recreation facilities established in factories had been even higher than expected.

42. Government policies to reduce the numbers of those working in manual labour or under harmful conditions would certainly have a major impact on women. Under the plan for transition to self-sufficiency, each enterprise would be responsible for devising programmes to retrain its women workers, while trade unions and women's councils would help to draw up those programmes and assist in solving individual problems. Provided that the break between jobs was no longer than six months, a woman changing her employment and undergoing retraining would maintain an unbroken work record, continue to receive the average wage paid by her previous employer and be entitled to the same accommodation and children's pre-school facilities.

43. Mr. MAKAREVITCH (Ukrainian Soviet Socialist Republic) said that child-care facilities were available to approximately 70 per cent of the population in urban areas and to almost everyone in the capital of the Republic. In rural areas, it was possible to meet the needs of only about 45 per cent of the population. With effect from August 1990, mothers would be entitled to paid child-rearing leave for the first 18 months of the child's life and to unpaid leave for the next 18 months. Meanwhile, a number of enterprises were offering to pay mothers' salaries, in part or in full, during the second 18-month period. If child-care centres were not available in the parents' place of residence, the alternatives open to a mother included working at home, hiring a nanny, care by grandparents, or use of the child-care centre at their place of work.

Article 12

44. Considerable efforts had been made to improve the medical care and facilities available to women and children, with particular emphasis on the development of neonatal care. The organization of a system of prenatal centres had begun in 1985. Those and other measures, combined with the granting of benefits to pregnant women and mothers, had made it possible to achieve a substantial reduction in the infant mortality rate. As a result of improved medical services, infant mortality was now less a result of pulmonary and infectious diseases than of the endemic problems of development, inherited diseases and illnesses contracted during pregnancy.

(Mr. Makarevitch, Ukrainian SSR)

45. The programme for health and hygiene education had been introduced in the early 1980s with a view to providing broad medical advisory services to the population, particularly to young parents as they prepared to assume new responsibilities. The programme continued to be judged highly successful. With the gradual weakening of family ties and the increase in the divorce rate, more comprehensive programmes had been worked out, requiring the combined efforts of State organs and the public. The Republic Council of Women had developed a number of subprogrammes for implementation over the next 15 years, and related proposals and programmes had been put forward by other women's councils.

46. A number of urgent measures to preserve the lives and protect the health of people living in the areas most affected by radioactive contamination after the Chernobyl disaster had been and continued to be taken. Some 92,000 people had been evacuated promptly and successfully rehoused. Particular attention was being given to health care: 200 experienced doctors and 225 young specialists had been dispatched to the affected areas to improve medical services. Fifty million roubles had been spent on medical equipment.

47. A register of the child population of the affected areas had been established and was being maintained. Since 1987, a special obstetrics department had been established in a sanatorium where pregnant women with chronic diseases were treated and prepared for childbirth. The network of specialized gynaecological departments had been expanded. The population was subject to medical and genetic monitoring, with a view to identifying any possible mutations. Paid child-rearing leave had been extended, together with the duration of annual leave.

48. The recent visit of a delegation from the International Committee of the Red Cross had highlighted international co-operation in assisting victims of the Chernobyl accident. Invaluable assistance had also been provided from funds collected by citizens of Ukrainian origin in Australia, Canada and the United States. A broad range of decontamination and land-reclamation measures had helped to reduce radiation levels significantly. Major efforts had also been made to prevent dangerous contamination of the Dnieper river basin water supply. Restrictions had been imposed on the consumption of foodstuffs from the affected areas, with particular attention being given to organizations responsible for the feeding of children. Three healthy meals a day were provided, free of charge, to schoolchildren in those areas.

49. A long-term programme had been adopted with a view to eliminating the effects of the disaster by the year 2000. The programme provided for further study of the situation and consideration of the advisability of a further evacuation, principally of families with children but also of citizens whose continued presence in the affected areas was inadvisable for medical reasons. The measures were expected to cost R 5 billion, in addition to a further R 5.6 billion to cover benefits payable to individuals who remained.

(Mr. Makarevitch, Ukrainian SSR)

50. Abortion was illegal only if it was performed outside an approved medical institution, if the woman was more than 12 weeks pregnant or if there were specific medical counter-indications. Responsibility for an illegal abortion was borne by the doctor if the life or health of the pregnant woman was endangered; the woman herself could not be prosecuted. Any individual who forced a woman to have an abortion was also criminally liable. The number of abortions, which had remained more or less constant between 1985 and 1987, had fallen sharply in 1988.

Article 13

51. Men and women enjoyed full equality of rights in the Republic and were judged to be fully capable of acting on their own behalf once they attained the age of 18. They were then entitled to conclude contracts, dispose of property, obtain bank loans, etc. In the few cases where marriages were contracted between men and women below the legal marriage age, the couple were judged to be capable of acting on their own behalf once they were married.

Article 14

52. As part of a programme designed to compensate for decreases in the rural population, efforts were being made to increase the rural birth rate by strengthening the family and ensuring greater stability of marriages, as well as by improving women's living and working conditions. Hospitals and medical services in rural areas had been considerably improved over the past few years. In some areas, however, plans had not been completely fulfilled and special measures were now being taken to remedy the situation in accordance with a State programme. In medicine as in other social welfare areas, enormous expenses had been incurred in responding to the Chernobyl accident.

Article 16

53. Under the laws of the Republic, the rights and obligations of spouses were recognized only in cases of formal marriage. In practice, however, little distinction was made between such marriages and informal unions. Earlier legislation had been unsatisfactory with respect to, for example, provisions for the maintenance of children born out of wedlock. New provisions had since been introduced which protected the interests of women and their children. Current legislation allowed both for voluntary declarations of paternity, in cases where the child's father and mother were not married, and for the establishment of paternity by the courts when family relations had existed before or after the birth of the child.

54. A sharp increase in the divorce rate had begun in the 1960s but had eased slightly in recent years. Single-parent families now constituted 12.8 per cent of the total population, with 1.5 million children being brought up in such families.

(Mr. Makarevitch, Ukrainian SSR)

According to a women's journal published in the Republic, the principal reason for the breakup of marriages was alcoholism among men, followed by infidelity and refusal to share in housework or the upbringing of children. Among divorcees, 80 per cent of men and 40 per cent of women remarried, but second marriages broke up 75 per cent more frequently than first marriages. Divorce actions were brought principally by women, though less frequently as they grew older. Men, on the other hand, tended to file for divorce once they were over 50 years of age. Divorce was three times less prevalent in rural areas than in cities.

55. The CHAIRPERSON thanked the representatives of the Ukrainian SSR for their comprehensive overview of the situation of women in their country and for their detailed responses to the Committee's questions. She had been very impressed by the approach taken to those questions. With the advent of glasnost and perestroika, many changes were taking place in the Ukrainian SSR which were beginning to have an impact on women. Those changes included the establishment of the women's councils, which were attempting to ensure greater political participation by women.

56. Like many other countries reporting to the Committee, the Ukrainian SSR had identified the persistence of traditional attitudes towards the roles of men and women as one of its main problems. It was encouraging to see that that problem had been acknowledged and that appropriate action was being taken. Other positive steps included recognition of the need to broaden the educational and career choices for both men and women and to lessen the double burden of career and child-rearing for women. She particularly appreciated the steps taken to involve women in leadership roles and political and economic decision-making. Although the actual changes since the initial report had been minimal, there seemed to be evidence of a greater political commitment which would have an impact on women in the future.

57. Ms. LAIOU-ANTONIOU said it was disheartening to hear that, once again, women were going to have to pay the price of economic restructuring. In the case of the Ukrainian SSR, funding for certain child-care facilities was being cut. To compensate, mothers would be granted extended leave of absence from their jobs to care for their young children. That would force women to maintain their traditional roles, since a lengthy career break placed any individual at a great disadvantage. She hoped that the recently established Republic Council of Women would offer some proposals for solving that problem.

58. Ms. SCHOPP-SCHILLING said that it was clear from the statement just presented that the Ukrainian SSR had acquired a new understanding of women's issues. She particularly appreciated the recognition that there were wage disparities between male- and female-dominated employment sectors, and hoped that a re-evaluation of wage scales for women would be undertaken.

/...

(Ms. Schopp-Schilling)

59. There was a risk of incompatibility between the measure allowing mothers to take leave of absence to raise young children and measures designed to restructure the economy. Mothers who took an extended leave of absence might miss job opportunities or retraining courses offered under the restructuring programme. She wondered whether consideration had been given to ensuring representation of women on leave when policy in those areas was being discussed.

60. With the abolition of quotas for women in the political system, the number of women in political positions had decreased. Women's dual responsibilities made it difficult for them to compete with men in the political arean and she wondered whether the Government might consider introducing political skills training programmes for women, so they could compete with men on an equal footing.

61. Ms. PILATAXI DE ARENAS said that she shared the concerns expressed by Ms. Laiou-Antoniou about women bearing the consequences of economic restructuring. She wished to know whether there had been any attempts to harmonize the social and political reforms taking place in the USSR with those taking place in the Ukrainian SSR. She would also appreciate more information about abandoned children. What happened to such children? What steps were being considered to avoid an increase in their number?

62. Ms. TALLAWY said that she had gained a very positive impression from the statement just given by the representatives of the Ukrainian SSR. Instead of trying to defend the actions of the Ukrainian Government, the statement had demonstrated a clear grasp of current problems and the political will to solve them. By contrast, the second periodic report of the Ukrainian SSR (CEDAW/C/13/Add.8) did not in any way reflect that new attitude and thus did not do justice to the Republic. She hoped that the next report would reflect the approach that had marked the oral presentation.

63. The CHAIRPERSON said that the previous speaker had spoken for the entire Committee in drawing attention to the difference between the second periodic report and the presentation just made by the representatives of the Ukrainian SSR. The efforts made to answer the Committee's questions comprehensively were greatly appreciated.

64. Mr. MAKAREVITCH (Ukrainian Soviet Socialist Republic) said that he would, with great satisfaction, convey the Committee's comments to his Government, which would take them into account in subsequent reports. In its presentation of the second periodic report, his Government had been open and frank and had attempted to reflect the actual situation of women in the Ukrainian SSR. It had not tried to hide or gloss over any elements. There was great optimism in his country concerning the changes taking place in the Soviet Union, and in the Ukrainian SSR in particular. Women were an important force in Soviet society and their participation was essential to solving the country's problems.

The meeting rose at 12.45 p.m.

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Ninth session

SUMMARY RECORD OF THE 163rd MEETING

Held at Headquarters, New York,
on Tuesday, 2 February 1990, at 3 p.m.

Chairperson: Ms. EVATT

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Consideration of reports submitted by States parties under article 18 of the Convention (continued)

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second periodic report of Mexico (continued) (CEDAW/C/13/Add.10 and Amend.1)

1. At the invitation of the Chairperson, Ms. Pellicer (Mexico) took a place at the Committee table.

2. Ms. PELLICER (Mexico) said that she would answer the Committee's questions concerning her country's second periodic report, beginning with the general questions and moving on to those on specific articles.

3. The Mexican 1989-1994 National Development Plan had, for the first time, included a section relating specifically to the participation of women. It recognized the differences and inequalities in the number and type of opportunities available to women in various spheres, a situation which was incompatible with the country's democratic aspirations and must be changed. Accordingly, the Government of Mexico was attempting to change the procedures whereby it obtained information on the situation of women. The national census of 1990 would assess the contribution of women to economic life in a new manner which would reflect the different ways in which such contributions were made, rather than recognizing only paid work.

4. However, the clear political determination to put an end to discrimination against women faced substantial obstacles in terms of traditional patterns of behaviour and unfavourable economic conditions, i.e., the most serious economic crisis to have affected the country since the Second World War, which had caused a general deterioration of living conditions. As a result, it had been impossible to fulfil commitments to ensure appropriate health services for women, including adequate nutrition during periods of pregnancy and nursing, or to expand social security services, to ensure women's access to education at all levels and to provide them with opportunities for a free choice of profession and employment.

5. In order to improve the living conditions of those most in need, the Government of Mexico had embarked on a vast and ambitious plan, the National Solidarity Programme, the implementation of which would make it possible to create conditions appropriate for full compliance with the principles of the Convention.

6. As for the extent to which women could have recourse to the courts to enforce their rights, she noted that the Constitution accorded equal rights to men and women, and women could therefore have recourse to any court.

7. The Secretariat on the Status of Women was a special office within the Government of the State of Guerrero, whose principal objectives were to train women, to incorporate them into productive branches of society, and to promote women's social organization and the rejection of all violence and sexual harassment, as well as any form of discrimination against women.

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8. With regard to domestic violence, she noted that the National System for the Overall Development of the Family was conducting the Social and Family Integration Programme and a Legal Assistance Programme and dealt with cases of domestic violence through the Office of the Attorney for the Defence of Minors and the Family. The programmes included home visits, guidance and special assistance in cases of drug addiction, alcholism, prostitution or vandalism.

9. The Convention had been broadly publicized in Mexico, mainly by means of publications and seminars organized specifically to acquaint women with the rights which it enshrined. Posters issued by the United Nations with the text of the Convention had been distributed to universities and public offices, and activities had been arranged with some of the country's eminent institutions, as well as conferences and radio programmes devoted to women's problems.

10. Since the initial report was submitted, the Civil Code of the Federal District had been reformed to allow for the recognition of certain rights on the part of spouses, and particularly of wives. Under the terms of the reform, in the event of an uncontested divorce, a woman was entitled to receive a pension for the same number of years as she had been married, regardless of the sum which might be due to her children. A regulation had been established to govern gifts between spouses, which could be reclaimed only so long as the marriage remained intact and where there was proper justification. Furthermore, a clear definition had been established for the family home. On the administrative level, ministerial agencies with special responsibility for the investigation of sex crimes had been set up, though only in the country's capital.

11. For the purpose of studying the changes and progress which had been achieved, there were various sources of information, but the most important of them would be the population census to be carried out in 1990.

12. With regard to the obstacles to making further progress for women, she noted that, apart from the current economic crisis, they were identical to those mentioned in the initial report.

13. She now turned to replies to questions concerning specific articles of the Convention. Firstly, with regard to the results of the national survey carried out in the first half of 1983, and the problems and needs which that survey revealed, she said that demographic tendencies among the female population had been seen to run parallel to those of the population as a whole, affecting fertility, place of residence, school attendance and women's economic activity. The participation of women in economic activities was increasing, although in 1979 they had accounted for only 21.5 per cent of such activities. The illiteracy rate among men was 16.7 per cent, compared to 20.6 per cent among women and the higher the level of education, the lower the percentage of women involved: women accounted for 48 per cent of primary-level pupils, but only 28 per cent of higher-level students. Not only was the registration of women for educational institutions lower, but they dropped out at a higher rate. That fact, which represented a fundamental problem, was being borne in mind in all programmes. The survey also

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showed that women's health and welfare conditions were marked by major regional and social disparities. For example, in 1970 a woman's life expectancy was 65 years in Oaxaca and 71 years in Baja California Sur. The problems of women were also problems of development. Note was likewise taken of other problems which affected women's social welfare, such as invalidity, the legal and social problems associated with aging, the breakup of families, adult and juvenile delinquency, prostitution, alcoholism and, to a lesser extent, drug addiction.

14. Concerning the National Commission for Women and the role it played with regard to legislation, she said that the Commission was actually a pressure group which formed part of the executive branch of the Government. Its work involved promoting and monitoring the implementation of women's rights in the work-place, promoting the implementation of legal provisions on marriage and child care, expediting legal provisions which guaranteed full exercise of the right to choose the number and spacing of one's children freely, responsibly and in an informed manner, and reviewing the codes and laws in force throughout the Republic with a view to providing women with effective protection against sexual and social aggression. Under article 71 of the Constitution, only the President of the Republic, the Chamber of Deputies and the Senate or State legislatures could submit bills; consequently, the Commission had to pass its proposals or bills on to the Minister of Government, who forwarded them to the President of the Republic so that he might recommend their consideration.

15. With regard to article 4, the question had been raised as to whether the Government intended to adopt temporary special measures to establish women's equality. No transitional programme existed as such.

16. It had been asked in connection with article 5 whether there had been any new initiatives to overcome cultural patterns of conduct and eliminate prejudices obstructing equality. Information and orientation campaigns were constantly being undertaken by the communications media. The primary purpose of such programmes was to highlight the importance of women as mothers, the family's function as the chief focal point of society and the significance of its individual components, the important social and economic contribution women made as housewives, and the need to acknowledge that all members of the family shared responsibility for household tasks; emphasis was also placed on the benefits to women of continuing or broadening their studies. In the field of education the Government was endeavouring to promote the model of equality between men and women. Efforts were being made to prevent the problem of school drop-outs, and non-academic adult education programmes had been established to counteract the effects of that phenomenon.

17. Social and cultural patterns that needed to be modified to promote women's equality fell into three categories. The first category covered patterns relating to family responsibilities, and efforts were being made to modify those patterns so that the responsibility of each family member was recognized. The second category had to do with employer attitudes, and in that connection efforts were being made to get employers to recognize women's dual role as workers and mothers. Finally,

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the patterns that were hardest to change were those that were reflected in the content of programmes broadcast by the communications media, especially television; changing such patterns was a long process, and women's organizations were increasingly aware of the need to make those changes and overcome the barriers that fostered discrimination.

18. There had also been a question about programmes to support women who had been victims of rape. During the period under consideration, women had become increasingly aware of that situation, and it should be noted that special agencies to deal with the victims of sex crimes had been established in the Office of the Attorney-General in the Federal District and had begun to operate in April 1989. Those agencies provided services 24 hours a day throughout the year and had specially recruited and trained staffs who met with and listened to the victims of any sex crime and, if necessary, accompanied them when they went to press charges or make statements. Confidentiality was maintained at all times, and victims could obtain psychological and medical help.

19. As to whether there were practices or beliefs related to religion or customs which constituted an obstacle to the improvement or advancement of the status of women, the answer varied with the values and perspectives of social groups with different ideologies; in that connection she cited the problem of abortion, about which opposing points of view existed.

20. While she had no precise data on prostitution that would confirm an increase in recent years, it could be assumed that, owing to the economic crisis, that phenomenon was in fact on the rise. To combat it, legal measures aimed primarily at providing harsher punishments for anyone engaging in and promoting prostitution had been adopted.

21. With regard to article 7 of the Convention, information had been sought about the progress achieved by women in politics since the previous report had been submitted. During the period under review, women's participation in grass-roots organizations had obviously intensified and such organizations had proliferated in both rural and urban areas and in indigenous circles; generally speaking, that had been due to economic problems and the need to take an organized approach to them. In addition, there had been specific situations that had led to the creation of grass-roots organizations, such as the 1985 earthquake, after which women's organizations had realized how vulnerable they were and had thus promptly gone about organizing themselves. As for women's involvement in the legislative branch of the Government, while the number of women representatives had gone up, the percentage had not changed. On the other hand, the number of women in intermediate levels of the executive branch continued to grow, even though that was happening slowly. Finally, with regard to women's participation in political parties, the Council for the Integration of Women of the Institutional Revolutionary Party was organizing meetings of women from the agricultural, worker and popular sectors at which they could make their demands, hopes and criticisms known; out of those meetings came proposals which women submitted to party leaders for inclusion in the basic platform. All other political parties formulated and submitted proposals based on member demands as expressed in various advisory forums.

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22. With regard to women's participation in the formulation of development plans, it should be noted that the National Development Plan for 1989-1994 had been formulated on the basis of popular consultations in which men and women had participated equally.

23. With regard to article 10, sex education was provided in all schools throughout the system, and informal courses and programmes on the subject were being organized. Training in that area was provided to health workers on the job and the human resources development mandated under the Family Education Programme was being promoted.

24. Textbooks had been revised in accordance with the principle of equality and reflected the principle of non-discrimination on the basis of race, sex, etc.

25. Educational services had been increased in indigenous areas. Some 1,251 boarding schools were attended by 63,000 indigenous children. Bilingual and bicultural education was available to various groups. Unfortunately, those services had not expanded at the same pace as demand, because of cutbacks in public expenditures resulting from general economic problems.

26. Among the socio-economic factors which explained why there were fewer and fewer women to be found at progressively higher levels of education, she cited, in addition to the causes mentioned above, the persistence of certain prejudices which led families to give preferential treatment to boys as regarded education. In addition, regional and social class differences could not be overlooked.

27. With respect to article 11, one of the phenomena which had had the gravest consequences for the status of women had been their rapid arrival on the labour market, especially in the informal sector. Indicators of the economically active population had so far referred only to women's wage-earning formal employment and had not taken into account rural areas of the informal sector. The population census to be taken in 1990 would, for the first time, give an idea of the situation of women working in those sectors, but that information was not yet available. That did not mean, however, that the rights of women in those sectors were not protected. For example, health care was not directly related to employment; instead, there was a health system which in theory was available to all Mexicans. In practice, however, that system benefited 30 per cent of the population, essentially in urban areas, since in some isolated rural communities it was becoming more difficult to provide health care, especially with the cutbacks in social spending. Women had the same labour rights as men and the law recognized labour relations, even in cases where there was no formal contract. Women had been more affected than men by the unemployment resulting from the economic crisis, although there had been a decline in open unemployment, especially in plants assembling goods for export, which mainly hired women.

28. The migration of men from rural to urban areas had increased rural women's responsibilities with respect to the family and farm work. Most of the rural women who migrated to the city were young and found work as domestic employees.

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29. Referring to article 12, she said that in Mexico, abortion was a criminal offence, with some exceptions provided by law. It was therefore virtually impossible to determine how many abortions were performed.

30. The dissemination of information on contraceptives formed part of family planning programmes which, in turn, formed part of general health programmes. There were 422 recorded cases of women who had contracted AIDS, chiefly through blood transfusions which had therefore been the focus of preventive measures.

31. With respect to health in general, there had been a decline in maternal and child mortality. The chief causes of mortality and morbidity among females varied according to age: gastrointestinal and respiratory diseases in the early years; complications of childbirth in adolescence; cervical, uterine and breast cancer in the reproductive years; and diabetes in the later years.

32. With respect to article 13 and the question whether women were entitled to obtain bank loans, mortgages and other types of credit, she said that by virtue of the principle of equality of men and women set forth in the Constitution, no secondary law or regulation could make a distinction between the sexes with regard to the granting of benefits or rights or the conclusion of contracts. In practice, what was important was the creditworthiness, not the gender, of the individual receiving credit.

33. Referring to the most serious problems still confronting women in rural areas, she said that they were basically the same as those indicated in the initial report: the absolute growth of the rural population, the great demand for land, the unfavourable trend in the economic relationship between country and city, farmers' lack of organization and the polarization of agricultural development, all of which were problems that affected rural women.

34. In theory, rural women had access to the same family planning services as urban women, but it was more difficult to set up those services in rural areas, particularly in villages with fewer than 500 inhabitants.

35. With respect to rural women's access to agricultural training services, a constant effort was being made to promote agricultural training programmes designed specifically for women, to enable them to establish farming co-operatives.

36. Referring to the question whether single or married women were currently able to own land or to hold title to plots of common land (parcelas ejidales), she said that article 200 of the 1971 Agrarian Reform Law established that peasants, whether male or female, who were Mexican by birth and over 16 years of age, or any age if they had dependents, could obtain land grants or plots of land. Women were thus entitled to come into possession of a plot of common land and to keep it when they entered into marriage or embarked on married life, without that being considered monopolization of the land. Likewise, in the event of separation, the woman kept her plot of common land. In addition, the law provided that in each ejido or peasant community, a portion of the best land adjoining an the urban area must be

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set aside as an industrial-agricultural unit for women over age 16 who were not common land owners, so that agricultural and livestock farms and rural industries could be established.

37. In reply to the question whether the Government recognized the right of peasant women to set up co-operatives, form their own groups and launch actual programmes, she said that article 130 of the Agrarian Reform Law stipulated that common land and agricultural units could be farmed collectively or individually.

38. In reply to the question about legal protection for women in consensual relationships, she said that co-habitation was recognized in Mexico. In the event of the death of a co-habiting man or woman, the surviving partner was entitled to inherit by lawful succession, provided that the couple had lived together as man and wife for the five years immediately preceding the death or had had children together, and provided that neither had married during the time of their co-habitation.

39. The CHAIRPERSON noted that there had been improvements in various areas in Mexico, particularly with respect to the status of rural women, and that there was a growing awareness of such problems as violence, rape and the need to provide better health and contraceptive services for women.

40. Ms. BERNARD noted that, in general, the situation of Mexican women had improved. She shared the concern expressed about such issues as the high drop-out rate, differences between women in rural and urban areas, and the need to improve levels of employment. She wished to know whether, in the case of lawsuits between spouses, courts took the value of women's work into consideration. She hoped that, in future, the Committee would be given more information on the number of women working in the informal sector, which was a very vulnerable area of female employment.

41. Ms. LAIOU-ANTONIOU said there had not been sufficient political will to solve one of the main problems facing Mexican women, that of specialization and training. The report referred to a handful of programmes which were, moreover, aimed at "feminized" sectors of industry, in which women performed low-paid jobs. She hoped that the next report on the situation of Mexican women would report higher levels of literacy and training.

42. Ms. BUSTELO GARCIA DEL REAL said that the fact that there had not been greater progress in the status of Mexican women was due to the unfavourable economic situation which the country had had to face. There was not enough information to permit an analysis of the situation of women, especially where regional differences were concerned. Given Mexico's federal structure and the country's size, it might be best if future reports referred to individual states in order to give a better picture of the real situation of Mexican women.

43. Ms. SCHOPP-SCHILLING acknowledged that despite the serious economic crisis, Mexico had made progress in the area of human rights and in enhancing the status of women. There was also the political will to incorporate women in development plans through mechanisms such as the National Programme of Action. More information on the implementation of that Programme would be appreciated. The new methodological approach to women's work outside the wage-earning labour market was very useful not only with respect to housework but also with respect to the informal and agricultural sectors. She trusted that the Mexican Government would pursue its work in that area so that its next report provided figures on the number of women working in the informal sector. It would also be useful if the next report provided some information about trade union action in favour of women on the wage-earning labour market, particularly about the recently formed "19 October" union of women textile workers.

44. Ms. NOVIKOVA emphasized three positive aspects of the Mexican response to the questions on its second report. First, the profound insight it gave into the reality of the problems affecting the country and Mexican women in particular. Correct analysis of situations was making it possible to find useful and creative solutions. Second, despite the complexity of the situation, plans for preferential treatment were being made which could serve as a basis for change. Third, the fact that so many Mexican women were performing so effectively in senior positions, for instance in diplomatic posts, not only benefited the cause of women in general but enhanced the prestige of their social group. In conclusion, she praised the efforts made by the Mexican Government to prepare and create conditions for the advancement of women, which would make it easier to solve their problems.

45. Ms. TALLAWY emphasized the efforts made by the Government of Mexico to ensure that the mass media reflected the values and traditions that society must respect and which must emphasize the role of women in the family. Nevertheless, reforms alone were not enough. Attitudes must be changed and the stereotypes conveyed in soap operas and other programmes eliminated. It was important that the National Programme of Action for women had been based on a survey. She wished to know what impact the Convention had had on the legal and social status of Mexican women, what women's organizations were doing, how women were taking advantage of opportunities to promote and protect their rights, and whether any mechanism had been established for the implementation of the Convention.

46. Ms. ILIĆ, Ms. PILOTAXI DE ARENAS and Ms. CORTI endorsed the comments made by the preceding speakers.

47. Ms. DIALLO SOUMARE said that the submission of the report was evidence of the political will of the Government of Mexico to improve the status of women. She hoped that the Convention would serve to promote the status of women in Mexico and help them continue to overcome obstacles.

48. Ms. GUAN requested more information on women's organizations and the women's movement.

49. Ms. ESCOBAR said that the Latin American countries had much in common and that she would like to know precisely what effect the implementation of the Convention had had on Mexican men and women. She would also like to know whether the presence of Mexican women in leadership positions could be considered a result of the Convention and whether political parties had recognized the need for social and cultural change in the relationship between men and women.

50. Ms. PELLICER (Mexico) said that the questions asked provided guidelines for the presentation of future reports, not only by Mexico but by other countries too. With respect to the question whether the courts might take into account the contribution of the woman's work to the marital property in cases of separation, that had to do with the difficulties of determining the woman's precise contribution. She rejected the statement by Ms. Laiou-Antoniou that Mexico had not had the political will to carry out a training programme for women, but acknowledged that the information presented on that point had probably been insufficient. The comment by Ms. Bustelo García del Real was most relevant to the guidelines for the preparation of reports in general, and it was for the Committee to decide whether new guidelines should be prepared.

51. Turning to the comments on the number of women living in poverty and on trade unions, she noted that interpretation of the articles of the Convention did not always result in the submission of information on the topic in question. That was probably because some paragraphs of the preamble, which were important for determining the spirit of the Convention, had not been covered to the same extent as others in evaluations of the Convention.

52. She was optimistic about the impact of the Convention, although she realized that it was difficult to measure it precisely. It would be useful to have more data from non-governmental organizations in order to know whether the Convention had facilitated their task in any way, particularly regarding women's rights. More data on the mass media would be included in the next report. She emphasized the importance of linking the implementation of the provisions of the Convention with plans to revitalize economic growth.

Initial report of Peru (CEDAW/C/5/Add.60)

53. At the invitation of the Chairperson, Mr. Arrospide (Peru) took a place at the Committee table.

54. Mr. ARROSPIDE (Peru) said that the end of the Second World War had brought about major political changes in the world and had marked the beginning of a process of modernization of social structures, especially the status of women. Given the marginalization, inequality and oppression of women, international action had been taken to overcome those obstacles and to achieve genuine equality and participation of women in society. Peru, which faced many problems stemming from its situation as a developing country, had always emphasized the need to give special consideration to the situation of women and had participated actively in efforts to improve it. In Peru, implementation of the provisions of the Convention was based on a mandate derived from the national Constitution, which recognized equality of rights, opportunities and responsibilities for men and women.

(Mr. Arrospide, Peru)

55. International treaties signed and ratified by Peru took precedence over domestic law in cases where the two sets of laws conflicted.

56. In Peru, women's issues reflected the cultural diversity of the country, with its different values and idiosyncrasies, which must be understood and respected. In that regard, the growing importance of women in society and their participation in the political life of the country should be mentioned. There were currently 10 women deputies and three women senators, and three women had held ministerial posts in the current Government. A woman was Comptroller-General of the Republic and women also participated actively in the judiciary and the diplomatic service. The number of woman candidates running in the forthcoming elections was particularly important in a country like Peru, where terrorist violence was attempting to interrupt democratic continuity.

57. The status of women in Peru was far from reaching the goals set by international law and Peru's own legislation. Nevertheless, the Government was working to guarantee equality and non-discrimination against women, despite the country's economic and financial difficulties which had been exacerbated by the problems of terrorism and drug trafficking. The advancement of women, in Peru as in many other countries, required the understanding and co-operation of the international community, particularly the developed countries, in eliminating poverty, marginalization and discrimination and ending violence against developing countries, which affected women most seriously.

58. The report, which consisted of eight sections, indicated that the population of over 20 million was not distributed evenly and that the hostile geography resulted in areas of slow development and low population density. It mentioned the constitutional provisions, the provisions of the Civil Code and other legal provisions for removing barriers to the equal development of women, and briefly analysed the problems of abortion and prostitution. The section on the family mentioned the relevant legislation on surnames, marital property and separation. Regarding political participation, the report reviewed the progress made since 1955, the year in which women had won the right to vote, and showed their participation in the leadership of the main political parties. The sections on education and on employment reviewed the major legislative measures and mentioned the lack of legislation regarding advancement of the status of women in the labour sector. With respect to maternal and child health problems, concern was expressed at the fact that targets had not been reached and that morbidity and mortality rates were increasingly alarming. The report stated that, unfortunately, there were no specific legal provisions for protecting rural women and promoting their development. However, the need was mentioned for agricultural co-operatives and departmental corporations to take immediate steps to institute comprehensive development plans which facilitated the advancement of rural women.

(Mr. Arrospide, Peru)

59. His country had already submitted its second report. The initial report was intended to provide a basis for analysis and to describe the characteristics, many of them positive and others negative, of the situation of women in Peru. It did not attempt to justify the fact that much remained to be done, but it did reflect Peru's strong commitment to women.

The meeting rose at 6.05 p.m.

UNITED NATIONS

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Ninth session

SUMMARY RECORD OF THE 164th MEETING

Held at Headquarters, New York,
on Wednesday, 31 January 1990, at 10 a.m.

Chairperson: Ms. EVATT

later: Ms. GUAN MINQIAN

CONTENTS

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second periodic report of Mongolia (CEDAW/C/13/Add.7)

1. At the invitation of the Chairperson, Ms. IDER (Mongolia) took a place at the Committee table.

2. Ms. IDER (Mongolia) said she was pleased to present her country's second periodic report at a time when efforts were being made to improve and restructure international relations and to revitalize socialism. The report had been prepared in 1986 and had been distributed to the Committee the following year. In the intervening years, a programme of restructuring initiated in 1987 had given rise, and continued to give rise, to sweeping changes in her country. Economic reform, for instance, had resulted in a transition to economic methods of administration and increased autonomy for enterprises and farms.

3. The ultimate goal of the restructuring process was to bring socialism to a new stage of development, freeing it from misinterpretation and enabling it to address the basic rights and interests of the individual. Faced with traditional bureaucratic, dogmatic and conservative attitudes which were entrenched in the Mongolian way of life, that process was not going smoothly.

4. Perestroika and glasnost had brought many unresolved social problems to the fore, including the need to improve the working and living conditions of the rural population, particularly nomadic herdsmen. That population must be provided with adequate housing and improved medical and social services. Agriculture must also be mechanized and communications developed. Already, the number of privately owned cattle had increased and new forms of labour organization such as contracting and leasing were on the rise. In view of the vast resources and amounts of time needed, the Government planned to approach those problems in stages.

5. Although there was de jure equality of women and men, much remained to be done to achieve equality in practice. As the country developed socially and economically, the prospects for genuine equality would increase. Restructuring had brought to light many problems concerning women which, prior to that, had not been publicly acknowledged. Those problems included the need for radical improvements in women's working and living conditions; the need to make special provision for working mothers; high maternal and child mortality rates; the growing incidence of divorce and sing-parent families; a severe shortage of kindergarten and child-care facilities; and the huge difference between the living standards of urban and rural women.

6. While it would take considerable time and resources to solve such problems, some results had already been achieved. In December 1989, the Presidium of the Great People's Khural had enacted four decrees concerning women and children.

(Ms. Ider, Mongolia)

Amendments had been made to public health legislation to give women the right to decide on the number and spacing of their children. Abortion was permitted, but only if performed by a physician in a hospital setting. Amendments to the Labour Code would ensure adequate paid maternity leave, as well as parental leave and job continuity for mothers and single fathers with young children. Amendments had also been made to pension legislation, enabling women and men who provided care for children or grandchildren to retire early. Students with children were entitled to the same leave benefits as working mothers. The network of pre-school facilities was being greatly expanded, with support from the Government and other public organizations, and various programmes were being implemented to provide more flexibility for working mothers.

7. State and public organizations dealing with women's issues were interested in learning about the experiences of other countries, particularly countries which had a level of development similar to that of Mongolia.

8. In recent years, political activism among women and women's organizations had been on the rise. Women were participating increasingly not only in the discussion of issues concerning women and children but also in the discussion of problems relating to restructuring. Preparations were under way for the Sixth Congress of Mongolian Women, to be held in June 1990. A proposal for granting the Committee of Mongolian Women the right to initiate legislation and monitor compliance with legal instruments for the protection of women and children was under consideration, as was the creation of a State mechanism to elaborate policies for addressing women's problems. In December 1989, on the occasion of the tenth anniversary of the adoption of the Convention on the Elimination of All Forms of Discrimination against Women, Unen, the newspaper of the Mongolian People's Revolutionary Party and the Mongolian Government, had published the full text of the Convention.

9. The equality of men and women was enshrined in the Mongolian Constitution and in the country's labour, civil, penal and family codes and other legislation. A great deal of work was being done to improve existing legislation. The new Penal Code in effect since July 1987 contained provisions prohibiting any impediment to women's exercise of their rights. Any one who violated those provisions was subject to prosecution and could be imprisoned, fined or otherwise punished. In 1989, the Government had enacted legislation which included provisions proposed by women's organizations. Under one such provision, the workers' council of every enterprise must henceforth involve representatives of women's organizations in decision-making on labour and social issues. Another provision enabled rural women with four or more children to include private farming as part of their pension calculation base.

10. There was no special organization in her country for monitoring compliance with legislation concerning women. The country's judicial organizations ensured respect for the rights of all citizens. The Committee of Mongolian Women and other Party organs also monitored compliance with the relevant legislation.

(Ms. Ider, Mongolia)

11. Mongolia did not have one institute dedicated solely to research on women's issues. Several scientific and other institutes conducted research on some issues concerning women and children.

12. Women and men were equally responsible for the upbringing and education of their children.

13. There was no problem of prostitution in her country. Pornography was banned under the new Penal Code and was punishable by imprisonment or a fine.

14. Thus far, there had been no cases of AIDS or HIV infection in Mongolia. In 1987, a national AIDS referral centre had been set up and the Government had funded a number of prevention and control measures, including screening and public education. A programme of co-operation with WHO on AIDS prevention and control had been drawn up. In 1989, teaching on AIDS prevention had been introduced into school curricula.

15. Women currently accounted for 24.9 per cent of deputies to the Great People's Khural and 28.7 per cent of deputies to local khurals. There was a woman member of the Presidium and seven women were deputy ministers. In 1985, the Central Committee of the Mongolian People's Revolutionary Party had adopted a decree on the promotion of women to leadership posts. Implementation had been slow and inconsistent, however. The promotion of women to decision-making posts was influenced by objective factors, such as women's lack of preparation for socio-political activities and an inadequate social infrastructure, by subjective factors such as traditional prejudices against women. Under perestroika, however, women were becoming more active socially and politically and that trend was likely to be reflected in the forthcoming elections.

16. Mongolia participated actively in bilateral and multilateral activities concerning women's issues. It had sent representatives to all three world conferences convened during the United Nations Decade for Women. The requirements for women wishing to participate in international life were the same as for men. Her country was underrepresented in the United Nations Secretariat, where the sole Mongolian national was in fact a woman.

17. Under Mongolian law, divorce between a citizen and an alien did not automatically alter the citizenship status of either partner. Furthermore, there was no legal distinction between the rights of men and women with regard to the nationality of their children.

18. Between 1975 and 1989, the proportion of working women with higher education qualifications had increased from 27 to 40 per cent. During the same period, the percentage of female students in higher education had increased by approximately 7 per cent. Girls accounted for 50.6 per cent of the secondary school population and 60.3 per cent of enrolments in special and vocational/technical schools. The school drop-out rate for both sexes was insignificant and did not pose a serious problem.

(Ms. Ider, Mongolia)

19. There was no difference in the wages or salaries of men and women engaged in the same profession. Wage differentials were based solely on the level of education and the type of profession.

20. The economic equality enjoyed by men and women was evident from a 1989 decree of the Council of Ministers expanding banks' lending activities to all individuals without discrimination. Other recent measures to improve women's working and living conditions included: wage increase for workers in fields dominated by women; a decree increasing the number of cattle that could be privately owned; and a law on private business activities, which allowed men and women to choose the type of activity in which they wished to engage. Furthermore, special measures relating to maternal and child health would henceforth be included in annual and five-year socio-economic development plans, with special attention paid to the needs of single mothers and mothers of large families. School construction in Mongolia was scheduled to double during the period 1990-1995, and the country was in the process of formulating a population policy.

21. In conclusion, she expressed the hope that perestroika would help solve the problems facing Mongolia, particularly those pertaining to mothers and children.

22. Ms. Guan Minqian, Vice-Chairperson, took the Chair.

23. The CHAIRPERSON welcomed the candid answers provided by the representative of Mongolia. It was clear that, while many problems persisted in Mongolia in the age of perestroika, considerable progress had been made. She noted, however, that some questions raised in connection with Mongolia's initial report had not been addressed in the second report.

24. Ms. IDER (Mongolia) said that the omissions in her country's second periodic report were due not to the Government's lack of interest in certain issues but to a lack of statistical data, particularly data that could be used to compare living standards in rural and urban areas. Her Government was trying to fill that gap.

25. Ms. OESER welcomed the many legal measures that had been taken to eliminate discrimination against women in Mongolia. Nevertheless, she would like some answers to a number of questions which had gone unanswered in Mongolia's second periodic report. For example, she wished to know whether there were any areas of social life where men continued to dominate, thereby preventing women's equality. She also wished to know what effect religion had on the daily lives of women in Mongolia.

26. While it was obvious that the Mongolian Government had made a major commitment to providing child-care facilities, she wondered to what extent existing needs could be met. With regard to abortion, she wished to know who determined when that procedure was necessary. What was the average number of children in a Mongolian family and what percentage of families had more than 10 children?

27. Ms. SCHOPP-SCHILLING praised the Mongolian report and welcomed the fact that, under perestroika, the Mongolian Government was paying particular attention to the status of women. She wished to know specifically what kind of work rural women engaged in: were they primarily involved in livestock raising, or did they perform other tasks as well? Information about women's remuneration in livestock raising and in the agricultural sector in general would be welcome.

28. Following the line of questioning opened by Ms. Oeser, she wished to know whether any customary practices stemming from the Buddhist religion affected women where social practices such as betrothal were concerned.

29. Ms. ESCOBAR noted that the representative of Mongolia had said that there was no prostitution in her country. She wondered how that could be, and asked whether provision was made for sex education in schools.

30. Ms. IDER (Mongolia) said that the comments by Committee members would serve as an incentive for Mongolia's women's organizations, which were eager to learn from the experience of other countries.

31. With regard to the questions just raised, there were in fact some areas of the national economy in which women played a predominant role, such as health and education. In particular, women were to be found in large numbers in schools providing general education and in vocational and technical institutions. As one went higher in the educational hierarchy, however, the percentage of women decreased. Mongolian women were being encouraged to take jobs traditionally held by men, with large numbers of women finding employment in the fields of finance, science and technology. At present, 33 per cent of all lawyers in Mongolia were women, a genuine achievement in view of the country's history.

32. The provision of adequate child-care facilities posed a major problem for the Mongolian Government, given that over 60 per cent of the population was under the age of 30. On average, urban families had three to four children while rural families had five to six. The fact that 90 per cent of Mongolian women either worked or studied made the need for child care particularly acute. The country was endeavouring to increase the number of pre-school facilities significantly by 1995, albeit with limited resources. Women's organizations and the Government were taking measures to promote the creation of private child-care facilities and family day-care arrangements.

33. The abortion laws had recently undergone a drastic change. Previously, abortion had been allowed only when stringent conditions were met. On 23 December 1989, however, the Presidium of the Great People's Khural had issued a decree permitting unrestricted abortion during the first trimester of pregnancy. Under that decree, any woman was entitled to an abortion performed by a doctor in a hospital free of charge. Medical consultation was required in the case of abortions performed beyond the first trimester, however. One major goal of the country's family planning policy was to enable women to decide on the number and spacing of their children. Mongolia had thus complied fully with the provisions of the Convention regarding family planning.

(Ms. Ider, Mongolia)

34. Religion in Mongolia was currently viewed as being closely associated with the culture, history and art of the Mongolian people. While there was a general resurgence of interest in religion, however, that had no influence on the status of women. In fact, as many as five centuries earlier, when religion had been much more influential, Mongolian women had enjoyed broad rights and had often had a decisive say in matters pertaining to the family and society.

35. Although no statistics were available, she could confirm that organized prostitution did not exist in Mongolia. Individual cases might occur, but prostitution did not pose a social problem. Sex education was being actively introduced in Mongolian schools, and programmes and messages about sex and reproductive health were being disseminated by the Ministry of Public Health and the mass media, with the country's large population of young people the primary target audience.

36. The situation of rural women in Mongolia posed a serious problem. A recent study by an expert from the Economic and Social Commission for Asia and the Pacific had found a big difference in the standards of living enjoyed by rural and urban women. Most rural women were involved in livestock raising. As members of co-operative farms, they were paid for their work; wages were low, however, a fact that had been widely and openly criticized. Rural women also engaged in unpaid work at home, much of which revolved around privately owned cattle, but they could then sell their cattle products privately for a profit.

37. There were no customary practices in Mongolia which jeopardized women's equality, perhaps because Mongolia had originally been and to some extent still was a nomadic society. In conclusion, she hoped that any question she had not answered would be taken up more fully in her country's next periodic report.

38. Ms. Ider withdrew.

39. Ms. Evatt, Chairperson, resumed the Chair.

Second periodic report of Egypt (CEDAW/C/13/Add.2 and Amend.1)

40. At the invitation of the Chairperson, Mr. Galal (Egypt) took a place at the Committee table.

41. Mr. GALAL (Egypt) said that Egypt believed in the equality of all citizens before the law and that they should have equal rights and duties without discrimination on the basis of sex, origin, language or religion. That principle was enshrined in article 40 of its Constitution, and Egypt's laws made it perfectly clear that there should be equality between men and women in the economic and political fields. There was, however, an obvious difference between theoretical, de jure equality and the de facto situation. The law was subject to the control of the organs of the State, while the de facto situation was linked with the culture, customs, heritage and stage of development of each society.

(Mr. Galal, Egypt)

42. Although the contemporary world was marked by the shrinking of distances and the elimination of boundaries, group identity was nevertheless being reinforced, as was the right to preserve that identity. Egypt was a country with an ancient civilization going back more than 7,000 years, and women had played a prominent role in that civilization and had reached the highest positions in the State. Egypt was also an Islamic country, and article 2 of its Constitution stated that Islam was its official State religion. In practice, that meant that religious truth was valued, whether Islamic, Christian or Jewish, in the culture of the society. Islam respected all religions, and education therefore included classes on religion for students of different faiths and promoted general religious principles such as tolerance, equality, justice and compassion. Personal status law, which governed such matters as marriage and divorce, affected the personal affairs and religious beliefs of the individual. Islam therefore governed the personal status of Muslims, and the laws of other religions governed that of non-Muslims. Marriage was, in Islam, a sacred union, but it was also a civil contract, and Egyptian law therefore required that marriages should be registered. For Coptic Egyptians, marriage was a sacrament and was therefore solemnized by the Church, recorded in its registers and governed by its laws. The Church itself was governed by a Supreme Council of Church leaders. Egyptian law thus respected personal freedom and freedom of belief, and Islamic principles were not imposed on those professing other faiths.

43. The situation of women in Egypt was similar in many respects to that of women in other developing countries where women had not achieved full rights as a result of social backwardness. The low percentage of educated women in the population was a result of the same phenomenon, as were their low rate of participation in public life and their failure to take full advantage of all the rights and privileges accorded to them by law.

44. There was a world-wide trend towards conservatism, and one of its features was the emergence of fundamentalist concepts, whether in politics or religion. Many countries were governed by parties of a conservative orientation and, in religious life, various groups were turning towards religion and religious values. While there had been many studies of so-called Islamic fundamentalism, the same phenomenon was to be found in Christianity and Judaism.

45. To mark the tenth anniversary of the adoption of the Convention on the Elimination of All Forms of Discrimination against Women, a second United Nations Decade for Women should be proclaimed in order to consolidate the achievements of the first and promote the full integration of women in development and their full participation in society on an equal footing with men.

46. The questions asked in the Committee following the presentation of his country's second periodic report would be addressed in the order in which they appeared in annex II to document CEDAW/C/CRP.12.

(Mr. Galal, Egypt)

General questions

47. The report had been prepared in 1987 and, since statistical work took some considerable time, the statistics it contained related to 1984 and 1985. More recent statistics had been distributed to members of the Committee, but they remained inadequate owing to the customary time-lag in the preparation of statistics in developing countries.

48. States had a sovereign legal right to enter reservations to the provisions of any international convention and, from the practical point of view, the exercise of that right promoted the accession of States to such conventions in that it reflected their honesty in declaring openly that they were unable to apply particular provisions. It was better for a State to accede to a convention with reservations than not to do so at all. In Egypt's case, its reservations to the Convention were due to a combination of factors relating to its heritage and religion and to its laws and system of government. Law was, after all, a reflection of economic, social and cultural development. The reservation made with respect to article 9 concerned the nationality of a child of an Egyptian woman married to an alien, and that matter was still under discussion in legal and political circles.

Article 2

49. The law of the State was a unitary law. Islamic law, as such, was not followed in Egypt, although there were legal principles derived from Islam which governed personal status law for Muslims. Article 2 of the Convention was, on the whole, in conformity with Egyptian law, and the right to litigate was guaranteed to men and women on an equal footing. Discrimination was punishable by law; the Penal Code stipulated that any person who felt that he or she had suffered discrimination could take legal action, and the Civil Code made allowance for compensation. The law regulating the multi-party system stipulated that no party could be formed on the basis of discrimination on grounds of sex, origin or religion. Sanctions in the case of discrimination were determined by a judge, in accordance with the nature and gravity of the violation or of the damage suffered. There had been many cases of women taking legal action to enforce their rights under the Constitution.

50. Rights and responsibilities were of two kinds. In the case of general rights and responsibilities relating to political and economic life and the role of the citizen in society, no distinction was made on grounds of sex or religion under the Constitution and legislation. However, the rights and responsibilities of Muslims with regard to family law were governed by the rules of Islamic law and those of Copts by the Coptic Supreme Council.

Article 4

51. The success of temporary special measures to improve equality between men and women depended on the development of individual awareness in men and women with regard to asserting their rights. In recent years, women had entered new fields of

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work, such as the police and civil aviation, and had reached leading positions in the diplomatic corps. There were two women ambassadors in important European capitals, and women of ambassadorial rank in the Ministry of Foreign Affairs and serving at the under-secretary level in a number of other ministries.

Article 5

52. Programmes to educate the public about the equal status and rights of women included those conducted in the women's pages of the national newspapers and in women's magazines. Meetings were held to discuss women's issues, such as the recent Conference on Women and Development, and women's non-governmental organizations participated in international meetings and seminars. The National Commission for Women monitored the situation of women and made proposals for their advancement. The Commission had conducted a field survey of the needs of Egyptian women, in which various State agencies and the Centre for Social Research had participated. A National Council for Children and Mothers had been established in 1988, and it concerned itself with all matters relating to children and to women in their capacity as mothers.

Article 6

53. Traffic in women and the exploitation of prostitution were forbidden by law. The Penal Code imposed a penalty of hard labour for life for abduction and the death penalty for abduction and subsequent rape, and it ensured protection for minors.

Article 7

54. Law No. 114, the Election Law, had been amended to remove the reservation of one seat for women. The repeal of the special quota for women in parliament was not incompatible with article 4 of the Convention. That article stated that adoption of temporary special measures aimed at accelerating de facto equality should not be considered discrimination, and it made no adverse reference to the discontinuation of such measures. The law in question had been repealed for procedural reasons relating to its promulgation and not because of its tenor.

55. With regard to the proportion of women to men on ballot lists, the law relating to political rights stated that all persons, both men and women, who were entitled to exercise political rights must be entered on such lists. Registration was thus automatic for all persons over the age of 18. The proportion of women who actually exercised their political rights was limited in comparison to that of men, owing to a lack of political awareness among women or to their personal preoccupations. The participation of women in the electoral process varied from one election to another and from one level to another. At the local level, it was higher because of vigorous competition among candidates, while it was lower in general elections owing to lack of interest. Following the 1987 elections, there were 10 women among the 248 members of the Advisory Council and 16 among the

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453 members of the People's Assembly. That number was lower than it should be, although it represented an advance over the situation in 1976, when there had been only 7 women in the People's Assembly.

56. There were numerous women's organizations: the organizations affiliated with each of the six political parties; sectoral women's organizations; and national women's organizations such as the National Commission for Women sponsored by the Ministry of Social Affairs. The objectives of those organizations differed, but all of them sought to promote the advancement of women, the role of women in society and equality between men and women, and they undertook to publicize the Convention on such occasions as Women's Day, Mothers' Day and Children's Day.

57. Egypt did not have two women ministers, as stated in the English version of its second report, but one woman minister with two portfolios, namely social affairs and social insurance. That represented a measure of progress, although more was required.

Article 9

58. The matter of the reservations made to article 9 of the Convention was, as previously stated, being considered by lawyers, the Ministry of the Interior and politicians.

Article 10

59. Women were moving into new fields of work, including the police, the judiciary, law, engineering, medicine, science, civil aviation and the armed forces, all of which were non-traditional areas. Their numbers, however, remained small in comparison with those of men. The drop-out rate for girls was higher than that for boys, and that was due to economic and social reasons, including early marriage among girls. No relevant statistics were yet available, and an endeavour would be made to provide them at a later stage. There was still a certain amount of illiteracy among young persons of both sexes. Although elementary education was free and compulsory and there was an enrolment rate of 80 per cent, economic circumstances prompted pupils to drop out and seek work at an early age.

Article 11

60. The unemployment rate for males in the total work-force was about 8.5 per cent, that for females about 6.2 per cent and that for both sexes about 14.7 per cent. Work in the private sector was governed by supply and demand, and the Government could not impose on that sector employees of a particular kind, whether men or women. The private sector was, however, obligated to observe certain rules to ensure the granting of the same entitlements available to women in government jobs, such as three months' maternity leave and leave to accompany a husband, and enterprises employing more than 100 women were required to provide day-care facilities.

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61. The recommendation on half-time work with half pay had been implemented on a limited scale in certain State agencies, although it was still a subject of general discussion. In view of the fact that the recommendation had been made on an optional basis, no statistics on its implementation were available.

62. The limitation placed on maternity leave to only three times during a woman's working life was required by economic considerations and also by law so as to encourage family planning in a country suffering from overpopulation. Women could obtain contraceptives free of charge at family planning centres, but abortion was punished by law since it was incompatible with Islam.

Article 12

63. The infant mortality rate was falling because of improved health care, and the same was true in relation to mothers. The annual birth rate remained high because of a lack of awareness in the country of the gravity of the population problem. The 651 family planning centres remained insufficient. Egyptian legislation prohibited abortion induced by any means and with or without the consent of the woman, and the practice was punished by hard labour, imprisonment or hard labour for life according to the circumstances.

64. Juvenile delinquency among girls did exist in Egypt, although it was not a serious problem. The cohesion of the family ensured that girls were conservative with respect to traditions and customs, and that had the effect of reducing delinquency.

65. The law punished acts of violence against women whether in the home or outside. Domestic violence was also considered grounds for a divorce initiated by the wife, since proper treatment was one of the conditions for sustaining a marriage in accordance with Koranic precepts. The difficulty encountered by women in obtaining a divorce was due not to Islam but to prevailing traditions and customs. In that connection, Al-Hagg, the journal of the Union of Arab Lawyers, should be commended for having published in two special issues a number of the papers presented at the First International Conference of Arab and African Women, held at Cairo in February 1985, in order to assist women in asserting their legal rights.

66. Under the Penal Code, rape was punished by hard labour or hard labour for life. If the perpetrator was a person in a position of trust in relation to the victim, an employee of such a person or an employee of the victim herself, then the penalty was hard labour for life.

67. Female circumcision continued to be practised in certain Egyptian villages. The custom was an ancient one, although it had no basis in religion; it was falling out of use and had disappeared in the cities and among the educated classes.

(Mr. Galal, Egypt)

Article 13

68. Women had full economic rights and could dispose of property independently, buy and sell and give and receive loans without any discriminatory restrictions.

Article 14

69. Working conditions in the countryside were generally not subject to regulation, whether for men or women. Attempts were being made to improve the situation of women through projects for their advancement and the establishment of some 259 clubs, but much remained to be done. The great changes taking place in rural society as they related to women were: the increasing number of health centres and family planning centres; the greater number of television sets and increased viewership; and the introduction of modern domestic appliances such as washing machines and stoves. As a result of those changes, rural women had a heightened awareness and the burden of household chores had been reduced.

70. The chief consequences of the migration of men had been greater family dependence on women and their enhanced leadership and decision-making role and increased self-confidence. The negative consequences had been a growing incidence of divorce, sexual deviation and family break-up.

71. Women could indeed own land, and their inheritance rights extended to all forms of movable and real property. The Government recognized the right of women working in agriculture to organize co-operatives. Such co-operatives were for men and women equally, without discrimination. It had to be admitted that health services and family planning schemes in rural areas were less effective than they were in cities.

Article 15

72. The treatment accorded by the courts was equal for men and women. Women could be witnesses, but the testimony of a woman was considered to have one half the weight of that of a man. That was a matter governed by certain religious prescriptions, and it was currently under discussion in Islamic and secular jurisprudence. Men and women had equal access to legal services. Women could conclude contracts in their own name and had full and independent financial competence. They could both sue and be sued.

Article 16

73. Consent on the part of the woman was a pre-condition for marriage and, in its absence, the marriage was invalid. Social influences did, however, play a part in the decision to marry, and that was a matter governed by individual and family relations and by tradition. The age of majority was the same for all, but the minimum age for marriage was 18 for men and 16 for women. The law required that marriages and divorces should be registered if they were to have legal effect, and that was a secular procedure. Women had the same rights as men with regard to

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trusteeship and guardianship of children. Adoption, however, was prohibited since it conflicted with Islamic law and Egyptian positive law. There was nevertheless the practice of hadanah, under which the child received full care without bearing the name of the guardian and without having any of the legal effects of filiation.

74. After a divorce, the woman could have custody of a male child up to the age of 10, extendable up to the age of 15 with the agreement of the court, and of a girl child up to the age of 12, extendable up to the age of marriage on the same condition. The percentage of women who had a clause inserted into the marriage contract stipulating the possibility of divorcing their husbands was low, and the practice was limited to the educated sector of society. There was, however, nothing in Egyptian law or in the principles of Islamic law to prevent a woman from requesting the inclusion of such a stipulation in her marriage contract.

75. The CHAIRPERSON welcomed the fact that withdrawal of the reservation to article 9 was under consideration. She would appreciate more information on de facto as opposed to de jure equality of rights, opportunities and choices in Egypt. In connection with the role of Islamic law, she wondered what the position of secular, non-religious women was in Egypt. She also wondered what effect the very high drop-out rates from primary and secondary education had on literacy rates. She deplored the fact that as witnesses women did not have the same status as men, and said that the participation of women in politics in Egypt needed improvement. She also felt that a greater sharing of family responsibilities was important, particularly given the high fertility rate.

76. Ms. CORTI said that much remained to be done to ensure equality of men and women in Egypt and that she could not agree that progress in that area must await improvements in the economic situation. Islamic law was very liberal but she wondered whether it was subject to misinterpretation. She asked whether conservative trends, particularly fundamentalism, were affecting Egypt and whether their impact was felt mainly among old people or young people. She wished to know whether divorce was covered by a single body of laws or by separate Coptic and Islamic laws. In connection with article 7, she wondered whether the fact that there was one woman minister with two portfolios really constituted progress by comparison with the situation described in the initial report.

77. Since the reason for the high drop-out rate was early marriage rather than economic factors, a major public education effort was needed to reduce it. In connection with articles 15 and 16, she noted that tradition and custom sometimes made it difficult to implement laws. Lastly, she wondered what measures were planned to combat illegal abortions, which posed a great danger to women.

78. Ms. GONZALEZ MARTINEZ said that a clearer picture was needed of progress in the areas of labour and employment. The high drop-out rate at the primary and secondary levels could, of course, be explained by financial need, but it could also be a result of discrimination, in that there might be a tendency to sacrifice a girl's education rather than a boy's. She wondered therefore what proportion of drop-outs were girls and what proportion were boys.

79. Ms. OESER noted that the second periodic report (CEDAW/C/13/Add.2, p. 3) stated that the question of the validity of the provisions of the Convention or of referral to them before courts of law did not arise. Was that because there were no cases, or because there was no conflict between the Convention and domestic law? The table on page 23 of the report showed increased employment of women in mining, petroleum and construction; she wondered what kind of work women did in those sectors. She welcomed the fact that Egypt was reconsidering its reservations to certain provisions of the Convention.

80. Ms. TALLAWY said that the second periodic report, while making an improvement over the inadequate initial report, should have been still better. She hoped that the third report would reflect the relevant guidelines and comments. She welcomed the new job opportunities for women in the army, police and judiciary, but was concerned at the lack of progress in respect of the National Commission for Women, whose programme was never described in the report. She regretted the lack of interest shown by Egyptian women in pursuing their rights and playing a more dynamic role in society.

81. She welcomed Egypt's decision to reconsider its reservation to article 9, but felt that the reservations to articles 2 and 16 did a disservice to the country. The reservation to article 2 should not exist at all, because Egyptian law excluded discrimination. The reservations to many subparagraphs of article 16 could also be withdrawn, because no conflict with Islamic law was involved.

The meeting rose at 1.10 p.m.

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Ninth session

SUMMARY RECORD OF THE 165th MEETING

Held at Headquarters, New York,
on Wednesday, 31 January 1990, at 3 p.m.

Chairperson: Ms. EVATT

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Consideration of reports submitted by States parties under article 18 of the Convention (continued)

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second periodic report of Egypt (continued) (CEDAW/C/13/Add.2 and Amend.1)

1. At the invitation of the Chairperson, Mr. Galal (Egypt) took a place at the Committee table.

2. Ms. BUSTELO GARCIA DEL REAL expressed concern at hearing that there were restrictions on maternity leave in Egypt and that abortion was totally prohibited. It was also disquieting to hear the admission that women did not all have equal access to family planning.

3. With regard to article 16 of the Convention, it was her understanding that adoption was not permitted in Egypt; she asked what happened when a child was orphaned. The representative of the Egyptian Government had said that, in the event of divorce or separation, the mother was normally awarded custody of children up to 12 years old, if they were girls, and up to 10 years old, if they were boys. She asked what happened when the children were older than 12 or 10 respectively.

4. Ms. DIALLO SOUMARE said that Islam was not at all opposed to the exercise of the rights of women. Some men had incorrectly interpreted the doctrine and that had led, in some cases, to the oppression of women in the name of Islam. Egypt was a Muslim country which was an example to many others and it should offer all Muslim women the opportunity to be proud of Islam; she therefore hoped that the Government of Egypt would withdraw its reservations to the Convention.

5. Ms. BERNARD said that the illiteracy rate among women in Egypt remained high, as did the school drop-out rate among girls, and she urged the Government of Egypt to take steps to remedy the situation. While realizing that Egypt was having economic problems, she hoped that the Government would do all within its power to improve the situation of women.

6. Ms. PILATAXI DE ARENAS asked how the Constitution was able to harmonize the laws, given the fact that there were different religious groups, Islam being the one with the most followers; whether domestic employees enjoyed social benefits; whether fathers had parental authority over their children after divorce and what was the position of a woman who was compelled to leave the home. Finally, she asked what was the purpose of prohibiting child adoption and what social problems were thereby averted.

7. Ms. LAIOU-ANTONIOU expressed concern at the Constitutional provision safeguarding harmony between a woman's duty to her family and her activities in various spheres of society. In fact, that Constitutional guarantee created basic conditions for a number of manifestations of discrimination against women, because there was clearly no article in the Egyptian Constitution safeguarding harmony

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between a man's duty to his family and his social and political activities. The provision was in effect misleading and should be deleted or at least analysed.

8. The report did not refer to the situation of many women who worked in family businesses, without remuneration and without access to social security or social benefits. She wondered whether the Government of Egypt took into account the fact that many women were in that position and she expressed the hope that the next report would contain information on that subject.

9. Ms. AKAMATSU recalled that at the previous meeting Ms. Tallawy had pointed out that Egypt might withdraw its reservations to article 16. She hoped that it would do so and that Egypt would also withdraw its reservations to article 9.

10. Mr. GALAL (Egypt), replying to comments made by members of the Committee, said that the school drop-out rate among girls and women was due not so much to the pressure put on children but rather to the overall economic situation of the family. Egyptian society was a traditional society in which the man was the main breadwinner; the woman enjoyed equal rights but was privileged to receive assistance.

11. With regard to the questions concerning Islam, he said that the concept of equality was a basic element of the Islamic religion. Any law which was not consistent with this concept was contrary to the spirit of Islam; however, it would clearly be necessary to take a pragmatic approach on the subject. In practice, there were certain differences and there were incorrect interpretations of the concept of Islam, but men and women would have to work together in order to surmount those problems.

12. In Egypt there was one set of laws which applied to the entire population; differences existed only with respect to private law. Islam was said to be the dominant religion in Egypt because it was the religion of the majority; however, all other religions were respected.

13. With regard to the questions relating to abortion, he said that he had already dealt with the subject in connection with human rights. He agreed that, once the Convention was adopted it became part of domestic legislation; that had not been made clear in the report. No distinction was made in Egypt between the type of work done by men and the type of work done by women, save in the case of dangerous work, from which women were protected. With regard to access to contraception, he explained that contraceptive devices were distributed free of charge in the family planning clinics. Adoption was illegal in Egypt because of the complications that could ensue. Nevertheless, the needs which led a person to adopt a child were t by means of another system, the custody system, whereby a person could mainta a child without passing their name onto the child. In addition, there were ma orphanages run by voluntary organizations.

/...

(Mr. Galal, Egypt)

14. The law gives preference to women in so far as custody of children was concerned, up to the age of 15 years in the case of girls (with a possibility of extension until a girl married) and up to the age of 10 years in the case of boys (with the possibility of extension until the age of 15).

15. Referring to the questions relating to religion, he pointed out that women had a privileged position in Islam and that many of the premises were consistent with the teachings of the wives of the Prophet. Nevertheless, the spirit of Islam was often distorted as a result of incorrect interpretations.

16. In Egypt education was free for both men and women without discrimination. Increasingly, women were holding high office, thanks to their perseverance and dedication. Religious discrimination did not exist; the various religious groups all had the same rights before the law.

17. With regard to the role of women, he cited data from a recent study which showed that a majority of women were housewives. In the event of divorce, a woman was entitled to support from her husband and to retain custody of the children and of the family home, at least until the children reached the age at which custody ceased.

First periodic report of Turkey (continued) (CEDAW/C/5/Add.45 and Amend.1)

18. At the invitation of the Chairperson, Ms. Dogramaci (Turkey) took a place at the Committee table.

19. Ms. DOGRAMACI (Turkey) said that she would reply as fully as possible to the questions which the Committee had raised. Turkey attached great importance to the Convention; it was conscious of its limitations and would do what it could to overcome them. Turkey was going through a period of economic and social change which had negative and also positive implications for the status of women. The general problem of unemployment had affected women. At the same time, in urban areas, women were developing their individuality, taking a greater interest in their health and in family planning and increasingly taking advantage of services in those areas. Their expectations and aspirations were changing rapidly, as also was their perception of their role in society and in the family.

20. Women's organizations had been consulted informally prior to the preparation of the report.

21. With regard to religious fundamentalism and its adverse repercussions on women in Turkey, she pointed out that in a democracy it was necessary to tolerate different beliefs, even if they were totally opposite to one's own. Moreover, it should be noted that the fundamentalists had not won a single seat in Parliament in the latest general elections; that showed that they did not have popular support. The rights that women had acquired in the 1920s and 1930s and the great strides made towards equality would safeguard women from the obstacles which some were attempting to put in the way of progress in that area.

(Ms. Dogramaci, Turkey)

22. The Government was devoting itself particularly to finding and implementing means to eradicate the social and economic differences prevailing in the rural areas of the country as compared with urban areas. The progress made in rural areas would help to improve the status of women in those areas. Women's associations and the mass media were supporting the education and information campaigns for rural women.

23. The girls and families migrating from rural to urban areas received education, health and family planning services. Both the State and women's associations paid special attention to such groups, which usually lived in the outskirts of big cities.

24. The statement that women did not walk in the streets and public places, such as the Grand Bazaar, was entirely incorrect. There were at least as many women as men to be seen in the streets, especially in large cities.

25. She then replied to questions dealing with specific articles of the Covention. With respect to article 2, she pointed out that article 10 of the Turkish Constitution provided that all individuals were equal before the law without discrimination on the basis of language, race, colour, sex, political opinion or philosophic or religious belief. The Civil Law of 1926 as well as the Labour and Penal Codes were based on the principle of equality. Nevertheless, women were not adequately represented in legislative and executive organs, nor did they occupy posts in key decision-making places. Women had begun to make their voices heard through various organizations and had achieved the support of public opinion. It was correct that Turkish regulations considered women as beings needing protection. That question and others similar to it were under heated discussion at present. With regard to the access of detained women to justice, there was no discrimination between men and women in that respect.

26. The national machinery set up in 1987 within the State Planning Organization was exclusively concerned with questions, problems and statistics relating to women. It was composed of the presidents of several women's associations and representatives of various ministries and universities. In the preparation of the sixth five-year plan, covering 1990-1994, that body had been consulted in matters relating to women, family and mother and child care. The machinery worked centrally and had no branches. So far it had not reached the desired level of effectiveness, but it was hoped that it would be strengthened in the future.

27. In connection with article 3, she noted that the report made reference to the anachronistic and incomprehensible provision preventing women from being governors of districts (Kaynakam). There was a strong tendency to change that rule. Unfortunately, lack of co-ordination and co-operation among the women's organizations had so far made them unable to affect political parties and government policies.

(Ms. Dogramaci, Turkey)

28. In connection with article 4, she said that there was awareness that full and complete equality had not yet been achieved. In some sectors, such as the police and postal services, special measures had been endorsed in order to recruit more women. In that context, she cited the recent decision by the civil court regarding the right of a woman to retain her maiden name.

29. Turning to article 5, she pointed out that there was no particular organ for the implementation of the Convention. The review of Turkish legislation with regard to compliance with the Convention fell within the scope of the national machinery within the State Planning Organization. As the Convention carried legal implications, the Turkish courts were responsible for reviewing their enactments to ensure their compatibility with the Convention.

30. Turkish women gave priority to their functions as wives and mothers as a matter of tradition and style of life. However, as the circumstances of the country changed, that inclination was gradually changing. The first woman Minister had been appointed in 1971. In the preparation of special television programmes devoted to women, all prejudices against women were considered.

31. In connection with the role of women as wives and mothers, the new technologies had made household tasks less arduous. In the big cities, families lived in small apartments and the number of nuclear families was steadily increasing. The majority of men of the present generation helped their wives in every possible way.

32. In connection with article 6, and specifically with prostitution, she regretted that there was not much to add to what was said in the report. The Constitutional Court had recently ruled, by a decision of five of its nine members, that the provision of article 438 of the Penal Code regarding reduction of the penalty for raping a prostitute was constitutional. That decision had provoked an energetic reaction by men and women in all spheres, especially in the big cities. There had been public demonstrations and the press and political parties had voiced their disapproval of the decision.

33. In connection with article 7, she said that, although Turkish women had the right to vote and to be elected, they still did not play the role they deserved in political life. There were only six women in the Parliament and only one woman Minister. The women's associations had not yet had great success in the area of politics.

34. She cited some figures on the participation of women in some areas. In the legal sector, 21.20 per cent of the lawyers and 12.06 per cent of the judges and prosecutors were women. In the health sphere, 31.61 per cent of the physicians and 40.22 per cent of the pharmacists were women. In the universities, a woman occupied the post of Vice-President of the Higher Education Council established in 1981, two women had been presidents of universities and at present, out of a total of 186 deans of faculties in 29 universities, 18 were women. Of the 11 members of

(Ms. Dogramaci, Turkey)

the Executive Committee of Ankara University, six were women. Furthermore, according to recent statistics, 34 per cent of the teaching staff in universities were women.

35. With respect to article 8, it was to be noted that of 702 career officers in the Ministry of Foreign Affairs, 81 were women, which amounted to 11.54 per cent. Among them were 1 Deputy Under-Secretary with ambassadorial rank, 2 Deputy Directors-General, 6 Heads of Department, 1 Consul-General and 10 Deputy Chiefs of Mission. Turkish women also played an active role in the representation of Turkey in international organizations and conferences.

36. In connection with article 9, she said that there was no distinction between the mother or father with respect to the citizenship of the child.

37. In connection with article 10, she pointed out that family planning activities had begun in 1965 and were regulated by Law No. 2827 of 1983. That law allowed abortion up to the tenth week of pregnancy and sterilization under government regulation. Although the consent of the husband was required for either procedure, the intent of the law was to permit the woman to decide on the number of children she would have. Family planning services were provided mainly by the Ministry of Health and Social Welfare, with which universities, radio and television, social security organizations and non-governmental organizations co-operated. The Ministry devoted 2.7 per cent of its budget to family planning. There were 128 family planning centres in the country, with a staff of 1,750 persons, of whom 353 were physicians. In 1987 services had been provided to 24.71 per cent of women in the reproductive age group. It was hoped that the average birth rate would decrease to 2.85 per cent in the period 1990-1995.

38. In Turkey, primary education was compulsory for both boys and girls. The law provided penalties for parents who did not send their children to primary school, although in practice the law was not strictly implemented, especially in some rural areas.

39. Turkey had a co-educational system, except in the case of military academies and vocational and technical schools for girls. The increase in the number of girls in vocational and technical schools was due partly to tradition and partly to economic reasons. All graduates of high schools, vocational schools and other equivalent schools were entitled to take the universities' entrance examination. Counselling and career orientation services were provided.

40. On the question regarding the employment of graduates, particularly in the field of mass communications, the situation was that the percentage of women working in that area was increasing daily, with excellent results. In addition, many companies worked hand-in-hand with universities with a view to engaging senior students after graduation. There was also a substantial demand for women in the field of the performing arts.

(Ms. Dogramaci, Turkey)

41. Campaigns had been promoted throughout the entire country in order to improve the literacy rates of women. Such campaigns were supported by radio and television programmes and special courses in schools. The relatively high literacy rate among men compared with women resulted from the higher schooling rate of men and the fact that illiterate men learned to read and write during their compulsory military service.

42. While sex education had not yet begun, there were movements for its commencement. Hitherto little effort had been made to eliminate sexual stereotypes from textbooks but positive changes could be noticed in television advertising.

43. The minimum marriage age for girls was 14 , with the consent of both parents. That was clearly a very early age and there were indications that the situation was changing even in the rural areas.

44. With reference to article 11, she pointed out that in Turkey 35.4 per cent of women and 64.6 per cent of men worked; 82.49 per cent of women who worked did so in the agricultural sector, many without remuneration. No agricultural worker, whether man or woman, was protected by social security or health insurance, although they were eligible for voluntary insurance in the self-employed workers' insurance system. There was no unemployment insurance in Turkey. Owing to the high unemployment rate in the country, women tended to keep their jobs on a full-time basis. Few civil servants took retirement after 20 years of service. Recently, the minimum retirement age had been increased to 50 for women and 55 for men. At universities, the retirement age was 67, although, if both sides agreed, a university professor could continue to work on a contract basis while receiving his or her pension.

45. In addition to maternity leave and other allowances mentioned in the report, the mother had the right to three years' leave without pay in order to rear her child without losing her job. Before being reinstated in her work, she was offered courses to update her with recent technological developments, although that was not a widespread practice. Children had the right to attend day-care centres and nursery schools at the father's place of work.

46. During the decade of the 1920s the principle of equal pay for equal work had been started. Generally speaking however, men occupied the higher posts and were better paid. The income of the wife was taxed independently of her husband's income. There were not many complaints regarding harassment of women at work. Labour legislation made no distinction between the single man and the single woman.

47. In Turkey 8,096,000 individuals were active members of social security institutions and 10.95 per cent of those were women. In 1989, 68,986 housewives participated in the self-employed workers' insurance system. There were no statistics regarding the percentage of women belonging to trade unions.

48. During the decade of the 1950s, while the industrialization process of the country was accelerating, migration from the countryside to the cities had begun.

(Ms. Dogramaci, Turkey)

Emigration towards the countries of Western Europe began slowly and gradually accelerated. In both cases, the woman had to face social and cultural problems. Qualified women returning from abroad found jobs, particularly in tourism. Many girls who returned married but approximately 40 per cent continued their higher education. There were special schools for returning children and there were plans for establishing a German subuniversity within the University of Mármara in Istanbul as a joint project of the Governments of Turkey and the Federal Republic of Germany. Many heads of household were women as a consequence of migration. Those women engaged in the same kind of transactions as men.

49. In connection with article 12, she pointed out that women's organizations, assisted by municipalities, had set up shelters for battered wives and women lawyers were offering advice free of charge. In domestic industries, such as carpet weaving, the woman's income helped to increase the family budget, although part was given to the female workers. In principle such work did not limit workers' possibilities for study.

50. In connection with article 13, there were no differences between men and women regarding bank loans or family allowances.

51. In regard to articles 15 and 16, it should be pointed out that married women did not need their spouse's permission in order to travel inside Turkey or abroad; neither did an unmarried woman require the permission of her father or brother. Inheritance laws did not make any difference between the sexes. According to the Civil Code, the fact that the wife had taken a job against the wishes of her husband was not a cause for divorce. In practice, when such a situation arose, the husband could file suit for divorce on the grounds of "incompatibility". The wife had the same right as the man to sue for divorce.

52. Before acceding to the Convention, the Government of Turkey had expressed reservations on certain paragraphs of articles 15 and 16, which were incompatible with some articles of the Civil Code. The situation was being studied and it was hoped that those reservations would be withdrawn before the second periodic report was submitted.

53. Ms. WALLA-TCHANGAI expressed the hope that, in its next report, Turkey would provide more complete and precise information regarding action taken to promote activities for the advancement of women in the rural areas and also on measures taken regarding the minimum age for marriage, which was 14 for girls, and did not advance the goals of women's education.

54. Ms. SAYOGYO said, in connection with inheritance, that, according to Islamic law, two thirds of the estate belonged to the man and one third to the wife, although customary law provided that it should be distributed in equal parts.

55. Ms. SCHOPP-SCHILLING recommended that, in its second report, Turkey should follow the guidelines established for the submission of such reports and reply to the outstanding questions. She also hoped that information would be submitted by sex so that it would be possible to have a clearer idea of the situation of women compared with men both in the rural and urban areas. She would be particularly interested in the decisions adopted by the Committee on Legal Reform in connection with the provision of the Civil Code concerning the permission which the husband must give his wife to work and also the measures adopted by the Turkish Parliament for the advancement of women in the next few years.

The meeting rose at 5 p.m.

UNITED NATIONS

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Convention on the Elimination of all Forms of Discrimination Against Women

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Ninth session

SUMMARY RECORD OF THE 166th MEETING

Held at Headquarters, New York,
on Wednesday, 31 January 1990, at 6.30 p.m.

Chairperson: Ms. EVATT

CONTENTS

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

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The meeting was called to order at 6.35 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Peru (CEDAW/C/5/Add.60)

1. At the invitation of the Chairperson, Mr. Arrospide (Peru) took a place at the Committee table.

2. Mr. ARROSPIDE (Peru), responding to points raised by members of the Committee in writing, said that the situation in Peru was extremely complex, particularly because Peruvian society was multicultural. Moreover, Peru was undergoing an acute economic and social crisis. The country was having serious difficulties servicing its external debt, and the flow of external financial resources into Peru had almost ceased. Both the volume of international financial assistance to Peru and the terms on which such assistance was granted were such that Peru simply did not have the necessary resources to finance the implementation of a wide range of extremely important government projects. In addition, there was the severe problem of terrorism, which took a particularly virulent form in Peru. The Peruvian Government acknowledged that social and economic factors had given rise to terrorism and that appropriate action must be taken to deal with its underlying causes. Drug trafficking was also having an increasing impact on Peru. Fortunately, the developed countries now recognized that drug trafficking existed because there were markets for drugs, and that the developed and the developing countries had a shared responsibility to combat drug trafficking.

3. The principle of the equality of men and women was laid down in the Peruvian Constitution, and under article 11 of the Constitution the Convention had the force of law. In the event of any conflict between Peruvian law and a provision of the Convention, the Convention prevailed. Any of Peru's legal provisions - some of which had been in existence for a very long time - that were in conflict with the Constitution, which was relatively new, were considered null and void.

4. Prostitution in Peru had deep-rooted social and economic causes and was linked to the high level of unemployment among women. Steps must therefore be taken to remove the underlying causes. Procuring and the white slave trade were, of course, punishable offences, and it was unlawful for female minors to engage in prostitution.

5. Only therapeutic abortions were permitted under Peruvian law, and considerable numbers of clandestine abortions were performed in the country.

6. On the issue of human rights violations and terrorism, he wished to stress that 15,000 Peruvians had so far fallen victim to terrorism, most of them peasants. The Peruvian Government acknowledged that government forces had committed human rights violations in the struggle to put an end to terrorism. However, commissions of inquiry had been set up to investigate the violations in

(Mr. Arrospide, Peru)

question, and those who had committed the violations had been brought to justice and were now serving appropriate prison sentences. Peru had signed and ratified all the international human rights instruments and was doing everything within its power to implement them fully. When drawing attention to human rights violations on the part of the Peruvian government forces, the relevant international organizations and the press around the world should place appropriate emphasis on the victims of terrorism.

7. Where family planning was concerned, the relevant Peruvian legislation, which was considered quite advanced in Latin America, stressed the principle of responsible parenthood. It was considered the responsibility of the couple concerned to decide on the number of children they wished to have and how their children's births should be spaced. Although no specific action had been taken to make contraceptives available, some counselling was provided. In 1989 a course entitled "Family planning" had been introduced in secondary schools on an experimental basis. Sex education was considered absolutely essential.

8. With regard to the issue of the involvement of women in politics, in the legislative branch there were 10 female deputies and three female senators. There were currently three women holding the office of Minister of State. Moreover, many women held senior positions in the political parties, as could be seen from the relevant table set forth in the report. Political awareness was growing among Peruvian women, particularly as a result of their participation in the labour force and of their growing membership in trade unions.

9. Peruvian labour legislation did not discriminate against women. However, owing to prejudice and negative attitudes there was de facto discrimination against women in employment. Information on specific labour legislation relating to women was set out in the report.

10. The Peruvian Government was required by law to set aside at least 10 per cent of the budget for education. As an illustration of Peru's commitment to education, he wished to draw attention to the fact that, whereas 60 per cent of the Peruvian population had been illiterate in 1949, only 13 per cent of the population had been illiterate in 1987. Since women represented a considerable proportion of the total number of illiterates, that meant that women had made considerable progress in that respect. There was an annual increase in the rate of school enrolment of 4.8 per cent in Peru, which must be seen in the context of an average rate of increase in school enrolment of 3.2 per cent in Latin America and the Caribbean. In Peru, out of a total population of 20 million in 1985 there had been 7.7 million children enrolled in school, representing approximately 40 per cent of the total population. Eighty per cent of the children enrolled in school were educated free of charge by the State.

11. The situation had deteriorated in Peru where health was concerned. For example, there had been a high incidence of tuberculosis in Peru in the 1950s, but that disease had virtually been eradicated in the 1970s. However, owing to the economic crisis, in the 1980s Peru had once again had an extremely high incidence of tuberculosis.

(Mr. Arrospide, Peru)

12. In a situation where there were many pressing demands for such fundamental articles as napkins for newborn babies in hospitals, Peru had been obliged to set priorities. It had therefore not been able to devote resources to wide dissemination of information on the Convention.

13. Approximately 10 per cent of the posts in Peru's diplomatic corps were held by women, and the posts in question were at all levels, including one post at the level of Assistant Secretary-General at the Ministry for Foreign Affairs, where there was a total of four such posts. Moreover, the President of the Peruvian Association of Diplomats was a woman.

14. A member of the Committee had raised a point concerning the use of the term "family dependant" by the Peruvian tax authorities. He wished to emphasize that the term in question had no negative connotations. If a woman filled out an application form for exemption from income-tax payment her husband was regarded as a dependant, together with parents and children under the age of 18.

15. He was unfortunately unable to state the number of women as a percentage of the total number of voters at the most recent election in Peru. In November 1989, 70 per cent of those eligible had voted. There was no breakdown by sex, however.

16. Every child born in Peru automatically had Peruvian nationality. In addition, a child whose mother or father was a Peruvian national was entitled to Peruvian nationality, regardless of where he or she was born. That was to say, a Peruvian woman married to a foreigner and living abroad could transmit Peruvian nationality to her child, if she so wished. She merely had to register the child's birth at, for example, the closest Peruvian consulate.

17. In the area of adoption, until recently there had been serious problems in Peru, as in other Latin American countries. Such problems had arisen particularly in connection with the adoption of children who were taken abroad. It had been discovered that the children in question were actually sold to foreign couples. Under relevant legislation adopted two years earlier, the difficulties in question were now being dealt with quite effectively. Adoption procedures were now carried out centrally, by the National Institute for the Welfare of Children. The procedures could be carried out only through the Institute and children's judges.

18. The National Women's Commission no longer existed, owing to a number of decentralization measures. As a result of those measures, each individual State body was responsible in its own particular area of competence for the elimination of discrimination against women. The Women's Rights Commission, which would be responsible for disseminating information on the Convention if the necessary resources were available, still existed. It was now recognized by all the political parties in Peru that there was a need to set up a central body to establish women's policy and to prepare appropriate directives. It was likely that when the new Government took office such a new body would in fact be set up.

(Mr. Arrospide, Peru)

19. Situations in which an individual who committed an act of violence against a woman was a relative of the woman concerned were regarded as aggravating circumstances.

20. The term "mujeres comuneras" referred to women who were members of village communities. In peasant communities, there was a collective form of land tenure. In recent years, the women in such communities had begun to set up "mothers' clubs", in which there was a division of labour between, for example, those who carried out agricultural work and those who made articles for sale. As a result of steps taken recently in Peru with a view to decentralizing government, in a number of regions there were now autonomous decision-making bodies, or regional governments, responsible for matters relating to health, employment, infrastructure and education. There were regional executive organs, regional presidents and regional assemblies. The representatives of mothers' clubs had seats as of right in the regional assemblies, and did not need to be elected.

21. Specific action had been taken in the area of labour legislation relevant to women, in order to take account of the current economic crisis. Over the past two years, the Government had been implementing a number of different programmes designed, among other things, to provide employment flexibly and rapidly. Firstly, there was the Temporary Income-Support Programme. Seventy-six per cent of the individuals receiving assistance under the Programme were women, mostly in slum areas. Secondly, there was the Direct-Support Programme, under which food was provided at nominal prices in "people's restaurants" staffed entirely by women. Also under that programme the Government provided premises and tools for workshops, in which, for example, mothers made handicrafts that they either sold themselves or that were marketed by a State enterprise specifically set up for that purpose. There were also semi-industrial workshops, in which women manufactured clothing. Thirdly, there was the Food Programme, which provided food to mothers at prices below market rates.

22. Lastly, he wished to emphasize that he recognized that it was most regrettable that, owing to budgetary constraints, the head of the Office for Women's Affairs of the Peruvian Diplomatic Corps had been unable to come to United Nations Headquarters to address the Committee herself.

23. The CHAIRPERSON said that, although she understood the problems that the Peruvian Government was facing, she felt it was precisely in such difficult times that the strength and skills of women were most needed. The report had been frank about the failure of Peruvian women to achieve equality and take part in the political life of the country; she was disappointed that no further information had been provided on that subject, or on programmes to involve women in education and the political decision-making process.

24. Ms. GONZALEZ MARTINEZ said the Peruvian representatives should understand that Committee members tended in their questions to stress particular points because they knew that it was possible to help women, by overcoming obstacles in those areas, to realize their potential and become fully integrated into the life of their societies.

(Ms. Gonzalez Martinez)

25. Peru faced a unique problem in the Sendero Luminoso group, whose aims appeared to be not so much political as anti-social: the terrorists attacked any form of established government and all modern forms of life, seeking to return the country to its earliest culture and traditions. She believed that Peruvian women were making an important contribution to the political life of their country simply by refusing to get involved with groups associated with terrorism or that other great scourge, drug trafficking.

26. The initial report appeared to have been written in an atmosphere of extreme pessimism about women's prospects. She asked the Peruvian representatives to forward the Committee's questions and comments to the Office for Women's Affairs with a request that it should assemble all the information sought and send it back to the Committee. That would help the Government to realize where it needed to make progress, and at the same time identify areas where it might seek help from such institutions as the United Nations Population Fund and the United Nations Fund for Women. It would also enable the Committee to advance in its consideration of the situation in Peru without having to wait for the next periodic report.

27. Ms. AKAMATSU applauded the Peruvian Government for ratifying the Convention without reservation, and for admitting frankly that discrimination against women existed and the goals set in the Convention had not all been met. She found it regrettable, however, that the Government had found no effective means of overcoming the discrimination. The Confucian ideal in her own country took it for granted that women were inferior, but she was optimistic that, given education and opportunities, Japanese women would come to participate in their society as equals. Many countries were moving in that direction: she hoped Peru would not prove the exception.

28. Ms. CORTI said that she had personally witnessed the results of a terrorist attack in Peru. Without condoning the arrests, imprisonment and other actions, she had some sympathy with the Peruvian Government as it tried to cope with such horrors. She had great admiration for the women's organizations with which she had had contact in Peru, believing them to be the liveliest actors on the political scene. It was a sign of something wrong in Peruvian society that they were not able to play a full part.

29. Ms. BUSTELO GARCIA del REAL said she hoped that social and economic conditions would have improved by the time the next Peruvian report was submitted, and that action to give effect to the Convention would have borne greater fruit. She emphasized, however, that the initial report had been of extreme interest to the Committee.

30. Ms. SCHOPP-SCHILLING said she understood that the food co-operatives in mining areas were largely the result of women's self-help efforts. When more detailed replies to the Committee's questions were prepared, she would like more information on self-help groups, which she regarded as signs of an admirable determination to do

(Ms. Schopp-Schilling)

something even in adverse circumstances. Such groups could be used to boost health care, literacy and education generally: she urged the Government to work along those lines.

31. Ms. PILATAXI DE ARENAS said that the Peruvian Government must be made aware of the discrimination that was practised against women. At such times, the Convention should be seen as a source of strength. She urged the Peruvian representative to look on Ms. Gonzalez Martinez' call for a follow-up report - which she endorsed - as an expression of the Committee's solidarity with the women of his country.

32. Ms. LAIOU-ANTONIOU commented that adversity always tended to cement societies together: that might be the reason for the strength of women's organizations in Peru. Still, history showed that when social unrest and upheaval ended, whatever the original issues involved, women tended to be forgotten again. The Government should be encouraged to help women immediately, because their liberation would prove to be an additional source of economic development for the country as a whole. She had little patience with the notion that development should come first and women's concerns could be attended to later.

33. Ms. TALLAWY pointed out that a supplementary report such as called for by Ms. Gonzalez Martinez would help the Committee secretariat to prepare for the consideration of the second periodic report of Peru, while in Peru the Office for Women's Affairs could use the Committee's questions to help guide its activities over the coming four years. She endorsed the suggestion.

34. She was disappointed that budgetary constraints had prevented the head of the Office for Women's Affairs from attending the Committee's discussion: allowing one or two women to travel to a meeting once every four years hardly seemed an impossible burden, although she had so far been unable to persuade her own Government of the fact. Sending the head of the Office would be a sign of the Government's political will.

35. Mr. ARROSPIDE (Peru) undertook to pass the Committee's comments and questions on to the Office for Women's Affairs, and promised that they would receive a reply.

36. The CHAIRPERSON announced that the Committee had completed its consideration of the initial report of Peru.

The meeting rose at 8.05 p.m.

UNITED NATIONS

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Convention on the Elimination of all Forms of Discrimination Against Women

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Ninth session

SUMMARY RECORD OF THE 167th MEETING

Held at Headquarters, New York,
on Thursday, 1 February 1990, at 10 a.m.

Chairperson: Ms. EVATT

later: Ms. GUAN Minqian

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Consideration of reports submitted by States parties under article 18 of the Convention (continued)

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second periodic report of Canada (CEDAW/C/13/Add.11/Parts 1 and 2)

1. At the invitation of the Chairperson, Mr. Fortier (Canada) and Ms. Stanley (Canada) took a place at the Committee table.

2. Mr. FORTIER (Canada) said it was important to recall that Canada was a federal State comprising 10 provinces and two territories. As responsibility for such matters as employment and social services was shared by the federal, provincial and territorial governments, the report and his statement covered measures taken at all three levels. Canada also had an extensive network of non-governmental organizations, many of which focused on a broad range of women's interests - that was particularly important in view of the country's cultural, social and geographic diversity.

3. Canada's commitment to the Convention reflected the priority accorded to all aspects of gender equality. Accordingly, the Government had made special efforts to promote that instrument.

4. He wished to inform the Committee of a number of important measures taken in Canada since January 1987 to promote women's equality. As noted in Canada's initial report, the Canadian Charter of Rights and Freedoms was one of the main sources of protection against discrimination in his country. Section 15 of the Charter, which had entered into force in 1985, guaranteed every individual equality under the law, without discrimination on the basis of a number of grounds, including gender. Any individual in Canada could challenge legislation, policies and practices of the federal or provincial governments that were perceived to be discriminatory. In addition, section 28 stated that all rights and freedoms guaranteed under that instrument were guaranteed equally to men and women. Approximately 50 cases involving gender discrimination had been initiated on the basis of the Charter's equality provisions. The resulting decisions had significantly enhanced the status of women, and a general interpretation had established that section 15 precluded systemic as well as intentional or direct discrimination. Recent rulings of the Supreme Court had also emphasized the relevance of international agreements, including the Convention, to the Charter's interpretation.

5. The Canadian Government had established a national Court Challenges Programme which made funds available to non-profit groups and individuals so that they could bring test cases before the courts to clarify and promote the rights pertaining to equality and language which were guaranteed in the Constitution. Funding had been provided under the Programme to immigrant, native, psychiatrically disabled and imprisoned women, and the Programme enjoyed wide support.

(Mr. Fortier, Canada)

6. A review had been undertaken of federal, provincial and territorial legislation to ensure its compliance with the Canadian Charter of Rights and Freedoms, and measures had been taken to correct any instances of failure to do so. Yet it was clear that the elimination of systemic discrimination would take time. Canada remained confident, however, that the provisions of the Charter would make a major contribution to promoting women's equality in Canada.

7. In recent years, the Supreme Court of Canada had taken the position that anti-discrimination legislation must be interpreted broadly and liberally if individual equality and dignity were to be promoted. In that light, the Court had determined that the prohibition of discrimination on the basis of gender extended to sexual harassment and to discrimination on the basis of pregnancy. Specific measures were also being taken by the Government to promote the equality of Indian and Aboriginal women in Canada.

8. The percentage of working women in Canada had risen significantly since 1970; however, the Government was concerned at the high concentration of women in certain sectors of the labour force and the persistent disparities between women's and men's wages. The report provided information about a number of special measures undertaken to redress such inequalities, including the Employment Equity Act, initiatives at all levels of government to implement the principle of equal pay for work of equal value, and the development at the federal and provincial levels of the Framework for Training for Women, which focused on the need to change stereotyped attitudes about women's role in the work place through public education and increased access for women to educational and training programmes. All levels of government regularly reported on the progress being made in those key areas.

9. As women's participation in the labour force increased, there was a clear need for the Government to be more responsive to the changing relationship between work and family responsibilities, and efforts were currently under way to develop comprehensive strategies in that regard. Measures taken thus far included the implementation of provisions relating to maternity and parental leave and benefits; the enhancement of family support services; and flexible working arrangements for government employees. Child care was generally recognized as a priority, and received financial support from the federal and provincial governments. In December 1987, increased tax relief had been made available to families with young children and a Child Care Initiatives Fund had been established to encourage the development of innovative solutions to child-care issues, with special priority given to the needs of Aboriginal, disabled, rural and minority children.

10. The number of women Members of Parliament had risen from 16 in 1982 to 40 at present; six women had been appointed to the Federal Cabinet and in 1989 the first woman to lead a national political party had been elected. Three women served on the Supreme Court and increasing numbers of women were being appointed to the lower courts.

(Mr. Fortier, Canada)

11. In the area of health, the most complex and contentious issues were those of abortion and reproductive health. In January 1988, the Supreme Court had struck down Canada's existing law governing therapeutic abortions, holding that its provisions were a breach of the right to security of the person as set out in the Canadian Charter of Rights and Freedoms. New abortion legislation had recently been tabled in Parliament, under which abortion would be considered a medical decision to be made by a woman and her doctor on the basis of broadly defined health grounds. The Canadian Government was exploring issues related to reproductive technology through the Royal Commission of Inquiry into New Reproductive Technologies, which was mandated to recommend relevant policies and safeguards.

12. One of the most widely discussed and troubling issues facing Canada was the tragic and continuing problem of violence against women and children. In June 1988, the Federal Government had announced new measures to combat family violence in both the immediate and long terms. Between 1988 and 1992, $Can 40 million was to be allocated for prevention and protection mechanisms, and the federal Government was working with provincial and territorial governments and the non-governmental sector to develop a comprehensive national strategy, to be completed during the current year. In conclusion, the questions raised in connection with Canada's second periodic report by the pre-session working group would be taken up in detail by Ms. Kay Stanley, the Co-ordinator for Status of Women Canada.

13. Ms. Guan Mingian, Vice-Chairperson, took the Chair.

14. Ms. STANLEY (Canada) drew attention to the questions contained in annex I to document CEDAW/C/CRP.12. Under the heading "General questions", more information had been sought about the work of a number of Canadian agencies. The Office of the Prevention of Family Violence in Alberta existed to provide support and leadership in developing an effective approach to the problem of family violence in that province. To that end, the Office had co-ordinated a number of initiatives in recent years, including a public awareness campaign on abuse of children and the elderly, the production in various foreign languages of a brochure for immigrant women on wife abuse and the funding of shelters for battered women, as well as conferences, research projects and treatment programmes.

15. The Advisory Committee on Women's Education Issues, established by the New Brunswick Department of Education, was designed to encourage women teachers to work towards the New Brunswick principal's certificate and had offered seminars to encourage women to seek career advancement in the field of education. Composed of individuals from the field of education, the Advisory Committee had succeeded in attracting a large number of members-at-large from among New Brunswick women. The Advisory Committee's policy on "all-inclusive language" had become standard for all government departments in New Brunswick.

16. The Nova Scotia Family Life Task Force, appointed in 1984, had developed a curriculum appropriate for students in grades 7-9 (ages 12-15). The programme,

(Ms. Stanley, Canada)

taught in a co-educational setting, would become compulsory for all students by September 1990 and dealt with stereotyping, prejudice and discrimination, sexual attitudes, exploitation, career and life-style exploration and family conflict. Parental involvement and feedback were important components of the programme, which had received a positive response thus far from all concerned.

17. Information about the reproductive health programme in Manitoba was contained in paragraph 298 of the report. Lastly, the Task Force on Day Care for Children in Quebec, established by the Quebec Council of Ministers on 3 December 1986, had formulated a policy statement on child-care services that had led to the establishment of a Parliamentary Commission on the subject. As a result of the Task Force's efforts, child-care legislation had been modified and budgetary allocations had been earmarked for staff training.

18. The updated statistics requested by the Committee would appear in Canada's third periodic report, to be submitted to the Committee in 1991.

19. The Canadian Government had taken note of the request to have information grouped by articles of the Convention, as in the initial report, rather than by province, as in the current report.

20. All levels of government in Canada were in constant contact with non-governmental organizations, whose views were thus taken into consideration in the preparation of reports. Moreover, non-governmental organizations were an integral part of Canada's national machinery for the advancement of women and maintained an active dialogue with all levels of government on the implementation of the Convention.

21. The Committee had asked whether steps had been taken to publicize the Convention in Canada. The text of the Convention had first been printed and widely disseminated in 1980 and had subsequently been reprinted for ongoing distribution. The text of the Convention was appended to Canada's report to the Committee, which was also extensively distributed throughout the country. A copy of the Convention had been included in a community development kit prepared in connection with the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women, and references were frequently made to the Convention in fact sheets issued as a follow up to the Conference. The text of the Convention had also been made available to women's organizations throughout the country, and government funding was available for projects by women's groups which included studies and public education regarding the Convention. Lastly, in December 1989, the Federal Minister Responsible for the Status of Women had spoken in the House of Commons to mark the tenth anniversary of the adoption of the Convention, and copies of materials on women prepared by the United Nations Secretariat had been distributed.

(Ms. Stanley, Canada)

Article 2

22. Regarding the principal decisions of the Supreme Court under the Canadian Charter of Rights and Freedoms which were relevant to discrimination against women and the interpretation of the Convention, she referred to the general remarks made on the subject by Mr. Fortier. It should be noted in addition, however, that the Supreme Court had held that the scope of section 15 of the Charter was not confined to the grounds expressly enumerated therein, such as gender but, by analogy, could be extended to other personal characteristics, especially where those were associated with the situation of disadvantage. In several cases in the lower courts, it had been decided that marital and family status fell within the scope of section 15, even though they were not expressly enumerated therein. That position ensured the implementation of article 1 of the Convention, which prohibited discrimination against women on the basis of their marital status.

23. However, it was not only section 15 of the Charter that upheld women's interests. Section 7 guaranteed the right to life, liberty and security of the person, and had been used by the Supreme Court in striking down the therapeutic abortion privileges of the Criminal Code. In the Court's views, delays in obtaining abortions and unequal access to abortions resulting from those provisions constituted a breach of that section of the Charter.

24. As indicated in the report, international conventions ratified by Canada did not automatically become part of national law; nevertheless, the Supreme Court had recently held that such instruments were relevant to the interpretation of the Charter and that provisions of the Charter should not be interpreted more narrowly than analogous provisions in human rights instruments ratified by Canada.

25. The Committee had asked whether laws regarding human rights and equal opportunities applied equally to immigrant women, Indians and Eskimos, the last of whom were currently referred to in Canada as Inuit persons. While certain rights specified in the Canadian Charter of Rights and Freedoms were guaranteed only to Canadian citizens, most rights were guaranteed to all persons in Canada. The Canadian Human Rights Act, which prohibited discrimination on many grounds including race, national or ethnic origin and colour, served as a basis for the protection of Indian, Inuit and immigrant women against discrimination.

26. The Committee had also asked for more information about Bill C-15, which had in fact entered into force on 1 January 1988. In addition, a special adviser on child sexual abuse had conducted extensive consultations with provincial and municipal governments and with the private sector and non-governmental organizations, and would be submitting a report on that subject to the Minister of Health and Welfare.

27. The Statute Law (Canadian Charter of Rights and Freedoms) Amendment Act required the Federal Minister of Justice to examine all legislation to ensure that it was consistent with the Charter, and to report any inconsistencies to the House of Commons. Since the Charter was an important means of implementing the Convention in Canada, that requirement helped to ensure that legislation was consistent with that instrument as well.

(Ms. Stanley, Canada)

28. The amendments to the Criminal Code concerning abortion had been designed to balance the State's interest in protecting the foetus and women's constitutional right to an abortion. The proposed legislation prohibited abortion unless performed by or under the direction of a medical practitioner. The Government believed that the criminalization of abortions that did not meet those conditions was not a violation of article 2 (g) of the Convention.

Article 3

29. The Aboriginal Women's Programme of the Native Citizens Directorate, with a 1989-1990 budget of over $2 million, was mandated to enhance, promote and foster the social, cultural, economic and political well-being of Aboriginal women. A number of activities designed to promote opportunities for Indian women were being implemented. Among them were: conferences on the economic and social development of Native women; employment and training programmes; special educational opportunities for Native students; funding for Native women's organizations; and support for Native women to set up small businesses.

30. Aboriginal women were not fully involved in the economic and political life of the country. However, they were becoming increasingly active in political organizations which represented their interests at the local, territorial and national levels. Aboriginal women were represented on negotiating teams for land claims and on advisory committees concerned with economic development strategies. At the territorial level, a number of Aboriginal women had held or currently held ministerial positions. There was one Aboriginal female Member of the House of Commons.

31. With regard to the immigration policy guidelines referred to in paragraph 158 of the report, there was a popular misconception that immigrant women were subject to automatic deportation if they left their sponsoring spouse, even in situations of violence and abuse. Leaving a spouse was never sufficient grounds for deportation. Immigrants had the same protection as Canadian citizens under the Charter of Rights and Freedoms and the Criminal Code.

Article 4

32. Paragraphs 88 and 89 of the report provided detailed information on affirmative action programmes, which had been implemented through the Employment Equity Act and the Federal Contractors' Programme. The achievements of those programmes included: an increase in the representation of designated groups in several occupational categories; an increase in promotions for women; and increases in each designated group in the number of persons hired for full-time employment. In addition, more than 1,200 employers had signed a certificate of commitment to implement employment equity.

33. The Women's Career Counselling and Referral Bureau of the Public Service had had a positive impact on the mobility of women within the Public Service and had made progress in achieving its goals. Despite an overall decrease in the number of Public Service employees, there had been an increase in the percentage of women. The Bureau's mandate had been extended until 1993.

(Ms. Stanley, Canada)

Article 5

34. With respect to Bill C-114, the Minister of Justice had introduced a similar bill, Bill C-54, in the House of Commons in 1987. Like Bill C-114, the proposed bill would replace current obscenity laws with new provisions prohibiting all pornography involving children or containing violent or degrading material. In addition, the proposed legislation would place tighter controls on other forms of sexually explicit material, would add sex to the list of identifiable groups against which hate propaganda was prohibited, and would distinguish between "erotica" and "pornography". Although the bill was no longer before the House of Commons, the Minister of Justice had announced his intention to re-introduce it.

35. Canada was still striving to eliminate stereotypical attitudes that continued to hinder the advancement of women. Such obstacles included the assumptions that women should have primary responsibility for child care and homemaking and that there were certain types of employment which were not open to women. Furthermore, the sexual role of women continued to be over-emphasized.

Article 6

36. With respect to paragraph 103 of the report, Bill C-15, dealing with juvenile prostitutes, had entered into force on 1 January 1988.

Article 7

37. Since the initial report, there had been a slow but steady increase in the percentage of women in Parliament, in the Government, in public office and in the judicial system. The percentage of women in the House of Commons had increased from 5.7 per cent in 1983 to 13.2 per cent in 1990. In the judiciary, women had held 6.3 per cent of federal appointments in 1986 as compared with 8.5 per cent in 1989. The number of women appointed to positions as ambassadors, high commissioners and consuls-general had increased from 2 to 11 over the past five years.

38. There were no plans to introduce a quota system to ensure a minimum number of places for women in the legislature. The main political parties in Canada had taken steps to ensure that women were well represented at party conferences, conventions and at the executive level. Delegate selection procedures ensured that 50 per cent of the delegates to major political conventions were female. Since political candidates were selected at the constituency level, it was difficult for political parties to influence candidate selection. Women's political action was therefore focused on local constituencies in order to support female candidates during the selection process.

39. The National Organization of Immigrant and Visible Minority Women represented the first united voice on issues such as language training, immigration policy, social services and race relations. It had served as a catalyst for immigration, minority and women's groups to work together in presenting briefs to the federal Government. It also worked with public and private agencies to develop effective strategies.

(Ms. Stanley, Canada)

40. In order to involve women in the political process, mainstream political parties had instituted special programmes, including political skills training, candidates' schools, mentorship programmes and parliamentary interns programmes. The parties had taken special measures to ensure that females were represented on executive, campaign and convention committees. At the national level, political fund-raising was targeted to the particular needs of women candidates.

Article 8

41. With a view to ensuring better representation of women in international organizations, her country utilized a co-ordinated federal government approach by which qualified candidates were matched to vacancies in international organizations. Whenever appropriate, formal government endorsement was given to chosen candidates and, for senior-level appointments, the Government might carry out an active international campaign in support of a candidate. Canada had been a persistent advocate of increased recruitment of women throughout the United Nations system. Recent achievements included the appointment of senior Canadian women to head the United Nations Department of Information and UNIFEM.

Article 10

42. Although the main legislative authority for education had been delegated to the provinces and territories, the federal Government too had been involved in a number of activities to encourage equality in education. The provinces and territories had undertaken several initiatives, including public awareness activities, role modelling programmes, conferences, curriculum changes, and the monitoring of educational materials for gender stereotypes. Government at all levels had taken measures to increase the participation of females in such fields as science and mathematics and to encourage women to enter non-traditional fields. Of particular note was the Canada Scholarship Programme, which offered scholarships in the natural sciences and engineering; 50 per cent of those scholarships were for women.

Article 11

43. Several provinces in Canada had adopted new Pay Equity Acts. Using a pro-action rather than a complaints-based approach, all of those acts had been drafted after Canada's ratification of the Convention and following adoption of the standards of equal pay for work of equal value outlined in it. Under the guidelines for establishing pay equity recommended by the Canadian Human Rights Commission, the assessment of equal value was based on a composite of skill, effort, responsibility and working conditions. Comparisons could be made among all employees who were subject to common personnel and wage policies. The undertaking of gender-neutral evaluations of jobs dominated by one sex was an important goal which required continuing refinement.

44. In Canada, the wage discrepancy between men and women was a matter of continuing concern. The federal Government had established employment equity and pay equity policies and programmes within the Public Service. For other employers,

(Ms. Stanley, Canada)

the Government took pay equity cases into consideration on a complaint basis. The provincial and territorial governments had implemented employment equity measures to ensure women equal access to opportunities in the workplace. The Canadian Labour Congress (CLC) and its provincial labour federations had adopted comprehensive affirmative action policies and had encouraged CLC affiliates to negotiate provisions to close the wage gap.

45. Child-care places were subsidized through the Canada Assistance Plan, under which the federal Government shared the cost with provincial and territorial governments on a 50-50 basis. Since 1985, full-time day-care places across Canada had increased almost threefold. Provinces and territories had ultimate jurisdictional responsibility for the provision, design and administration of their own child-care systems. Preliminary information suggested that the need for child care and the extent to which those needs were being met varied greatly, depending upon the age range of the children.

46. The wages and working conditions of child-care workers varied across the country. In the light of the responsibilities involved, wages were low. Furthermore, current pay equity legislation did not cover child-care workers. The current situation was cause for concern, and more details would be provided in the next report.

47. A general review of the labour standards provisions of part II of the Canada Labour Code was under way. Under the current policy, about 70 to 75 per cent of part-time workers were eligible for unemployment insurance benefits. Expansion of coverage to other groups, such as students and occasional workers, did not have broad support. Some provincial jurisdictions had implemented legislative and regulatory changes to ensure equal treatment for part-time and full-time employees.

48. The pension system in Canada included both public and private provisions in addition to the Old Age Security Programme, which was universal and non-contributory. The public pension plan, to which contributions were mandatory, covered virtually all employed and self-employed women and men between 18 and 70 years of age. Only 37 per cent of employed females, as compared with 52.3 per cent of employed males, were covered by employer-sponsored plans, a ratio that had improved over the past decade as employers had begun to provide a fuller range of benefits. Canada also offered plans that encouraged saving for retirement through tax breaks; approximately 19 per cent of all individuals filing tax returns contributed to those plans.

49. The principle of equal pay for work of equal value was being applied in the federal Public Service. A detailed study of jobs within the Public Service had been carried out to determine whether any of the female-dominated categories had been underpaid by comparison with male-dominated categories. In January 1990, equal pay adjustments had been announced which would affect some 68,000 public servants, most of them women.

(Ms. Stanley, Canada)

Article 12

50. In November 1989, Bill C-43 on abortion had been introduced in the House of Commons. It was currently before a legislative committee and had not yet become law. The bill established that the decision to have an abortion was a medical decision to be made between a woman and her doctor. It affirmed a woman's entitlement to abortion on health grounds, understood as including physical, mental and psychological health.

51. In January 1988, the Supreme Court of Canada had struck down the Criminal Code provisions concerning abortion. No significant change in the abortion rate had been observed between January and May 1988. Some Canadian women did travel out of the country for abortions. According to the most recent data, in 1986 approximately 2,612 Canadian women had received abortions in the United States.

52. With respect to maternal mortality rates, the following statistics were available: in 1983, the death rate had been 5.35 maternal deaths per 100,000 live births and in 1987 the rate had been 2.97 deaths per 100,000 live births.

53. As of January 1990, 189 adult female AIDS cases had been reported, representing 5.6 per cent of the total adult AIDS cases in Canada. A designated officer within the Information and Education Bureau of the Federal Centre for AIDS would be developing AIDS education programmes for women. Within the provinces with high rates of AIDS, programmes included a task force on women and AIDS; care-giving for women with AIDS; and support groups for women with AIDS.

54. The National Health Research and Development Programme of Health and Welfare Canada had to date committed over $3 million in funding for research on women and AIDS. At a 1988 ministerial-level conference, it had been agreed that human rights officials should stay informed about the human rights implications of medical/legal issues, including AIDS testing and medical research involving human beings.

Article 13

55. A number of child benefits were available to all parents, based on their income. Assistance for low-income families focused primarily on such basic needs as shelter, utilities, food and clothing. Provincial governments were responsible for providing and delivering social assistance, for which the federal Government shared 50 per cent of the cost. In September 1985, ministers responsible for social services and labour market matters had agreed on a seven-point strategy to help social assistance recipients (SAR) achieve greater self-sufficiency. The programme provided training allowances and dependant care allowances, the latter being particularly beneficial for single-parent mothers. Single mothers received tax assistance in the form of an increased tax credit for one child and tax exemptions for unreimbursed child-care expenses incurred during periods of employment, occupational training or grant-supported research.

(Ms. Stanley, Canada)

56. With respect to the minimum age for marriage, provisional laws governing the age at which marriage licences could be issued generally treated men and women on an equal basis.

Article 14

57. With a view to the enforcement of child support provisions, the federal Government had enacted in 1984 the Garnishment, Attachment and Pension Diversion Act, which allowed federal employees' salaries to be garnished. In 1985, the federal Government had provided over $1 million in assistance to the provinces and territories to assist in establishing or enhancing their automatic enforcement agencies. The following year, the federal Government had adopted the Family Orders and Agreements Enforcement Assistance Act to assist provincial enforcement agencies in tracing delinquent debtors and to permit federal monies to be garnished. The enforcement of maintenance and child support payments was exclusively within provincial jurisdiction.

58. Garnishment proceedings were applicable to all persons through normal court proceedings. Garnishing of wages for maintenance payments was not restricted to public servants. Public servants had in the past been protected against garnishment proceedings, and the law referred to in paragraph 155 of the report had been enacted in order to do away with that protection.

59. According to reports submitted in 1984 and 1986 by the Intergovernmental Working Group on Wife Battering, progress had clearly been made in addressing family violence. In June 1988, the Federal Minister of Health and Welfare and the Minister Responsible for the Status of Women had announced a $40 million family violence initiative.

60. A recent Canadian study on violence against women had shown the following: each year, 1 million Canadian women were abused by their husbands or live-in partners; 15 per cent of homicides were committed against women by their husbands, as compared with 6 per cent of homicides committed against men by their wives; and 56 per cent of urban women felt unsafe walking alone in their neighbourhoods after dark. A study recently published in the province of Ontario had stated that 8 out of 10 Indian and Metis women had suffered some form of abuse, mainly by their spouses. Those disturbing statistics lent support to the Government's plan for continuing comprehensive action on that problem and also reflected improved methods of reporting on those conditions.

61. Some provincial governments had embarked on extensive public awareness campaigns on the issue of wife battering. In co-operation with universities and the private and voluntary sectors, the British Columbia Institute on Family Violence had been established to develop a co-ordinated approach to the investigation and treatment of family violence. The networks of shelters and safehouses for victims of violence had continued to grow, with the assistance of government funding and support from the private and voluntary sectors.

62. Ms. Evatt, Chairperson, resumed the Chair.

63. The CHAIRPERSON, in her personal capacity, said that, since ratifying the Convention, Canada had made considerable improvements in the status of women. The size of the Canadian delegation, in addition to the comprehensive responses to the Committee's questions, demonstrated clearly Canada's strong commitment to implementing the provisions of the Convention. Naturally, much work remained to be done.

64. In its recent presentation, the United Kingdom delegation had drawn attention to the fact that its report incorporated comments and observations made during seminars held with non-governmental organizations concerned with women's issues. Further meetings of that type were planned in order to present the results of the Committee's consideration of that country's report to women in the United Kingdom. She wondered whether the Canadian Government would consider holding similar seminars.

65. Ms. BERNARD said that she was heartened by Canada's second periodic report. The national Court Challenges Programme was particularly noteworthy. As pointed out in the introductory statement to the report, the key to implementing the Convention was the ability of individuals to bring matters to court. It was also encouraging that the Canadian Supreme Court was taking a more liberal approach to human rights issues, a trend which was being seen in many countries.

66. Since its initial report, Canada had witnessed an increase in the number of women in its labour force. She was certain that efforts were being made to encourage women to move into non-traditional professions. The enactment of the Employment Equity Act was commendable, since it seemed to be correcting the inequalities between men and women.

67. It was also significant that three women now sat on the Canadian Supreme Court, and she hoped that that number would double by the time of the next report. Canada was to be commended for seeking solutions to the problem of violence against women through a large federal budget allocation. She appreciated the fact that attention was being focused on elderly women, who were a particularly disadvantaged group.

68. Ms. ALFONSIN DE FASAN said that the Convention should be disseminated as widely as possible in order to increase respect and tolerance between the sexes. The Nova Scotia programme was very encouraging and should be extended to the other provinces.

69. Ms. LAIOU-ANTONIOU said that Canada was extremely advanced in the struggle to promote equality between men and women, and she wondered why. Was it because of government decisions, a strong women's movement, the country's economic situation, the pressure of minorities, or all of those reasons? Was women's equality promoted together with such other human rights issues as the problems of minorities?

70. Women in Canada had a high level of participation in employment, but 72 per cent worked part time and mainly in traditionally female jobs. More women university students than men were part-time students, and they gravitated towards traditional women's subjects. Despite the existence of family planning, abortion

(Ms. Laiou-Antoniou)

was not free. She wondered why the social services for small children were so inadequate. Was it a question of money? She further noted that women were underrepresented in the judiciary, which contrasted with Europe, where the courts had become feminized.

71. Ms. DIALLO SOUMARE commended Canada for being at the forefront of women's struggle for equality and thanked it for the help it had given her own country's rural women.

72. Ms. FORDE said she would like more information on the composition of the Royal Commission on Reproductive Technologies. Was it broad-based? Were Indian women represented on it? She would appreciate a detailed description.

73. In connection with article 2 of the Convention, she wondered whether women's organizations had been consulted in formulating Canada's policy on the termination of pregnancy and whether any discrimination was involved in the policy. Since Canada was bilingual, she wondered whether Aboriginal women had to be bilingual in order to advance in society. In connection with article 16, she asked whether age equality for marriage had been established in all of Canada's provinces.

74. Ms. GUAN Mingjian was pleased that the Canadian Government was concerned about the problem of violence against women and hoped that it would be successful in combating it. She hoped that Canada's next report would also provide information about the elderly population, which had a high percentage of women with special health and other problems.

75. Ms. PILATAXI DE ARENAS asked whether there was any official system for the appointment of women to official bodies and whether there was any discrimination in that area. The number of child-care centres in Canada was very low and inadequate to the needs of working women. She welcomed the concern expressed over violence against women and asked for more information about Canada's approach to the problem of elderly women.

76. Ms. SAJOGYO noted that the participation of women in employment was very high and wondered whether any studies had been made on the distribution of labour and decision-making between husbands and wives.

77. Ms. SCHOPP-SCHILLING wondered whether women's progress in human rights had met with increasing opposition. Was there opposition to affirmative action plans, or were there accusations of reverse discrimination? What were the targets and criteria set for affirmative action plans? She would like more information about the women's bodies in government ministries. Were they advisory or decision-making? Was legislation reviewed in terms of its impact on women? What guidelines governed the handling of the problem of equal pay for equal work? She would appreciate information on which employment sectors were male-dominated and which were female-dominated.

78. Ms. BUSTELO GARCIA del REAL said she would appreciate more information concerning the distribution of family responsibilities and tasks at a time when women were achieving greater equality. She also wondered whether that increasing equality was perceived as positive by both men and women.

79. Ms. WALLA-TCHANGAI said that the minimum age for marriage in Canada was both medically and psychologically inadvisable and asked whether there were plans for it to be raised.

80. Ms. ESCOBAR asked for specific evidence of how enterprises implemented equality in the work place. In connection with article 6, she wondered whether the judicial procedures in cases of adultery were the same for men and women. She also wondered why domestic employees had low rates of pay in Newfoundland.

81. Ms. ILIĆ commended the fact that the report was used as a guide for action in Canada itself and was not just for the benefit of the Committee.

82. Ms. UKEJE commended the progress that Canadian women had made in the upper ranks of the judiciary as a result of a breakdown of sex stereotypes.

83. Ms. TALLAWY asked whether Canada had any plans to share its success in promoting the advancement of women by providing help to the least developed countries.

84. Ms. CORTI, noting that her own country had adopted legislation requiring that any aid granted to developing countries must include an element intended exclusively for women, asked whether Canada had made similar provisions.

85. The CHAIRPERSON requested further clarification of the different approaches adopted to ensure equal pay in Canada's federal and provincial governments and asked whether the recent change in the federal system represented the end of a process or required further refinement. She also wondered whether the provision of child care might be restored to the level of priority it had enjoyed prior to the most recent two-year period.

86. Mr. FORTIER (Canada), noting comments on the size of his country's delegation, said that the compilation of its report and the provision of answers to questions would have been impossible without the expert assistance of representatives of the provincial and federal governments. He himself, as Permanent Representative of his country to the United Nations, had always attached particular importance to social questions and human rights and was pleased to note the positive response to his attendance of the Committee's deliberations. As for the secret of his country's success, he felt that it was due both to the strength of its feminist movement and to the political will of its leaders, supported and assisted by individuals in many different areas of activity. His Government was conscious that imperfections persisted and that further solutions needed to be sought, but its commitment to all the objectives set forth in the Convention remained absolute.

87. Ms. STANLEY (Canada), replying to the more detailed questions posed by members of the Committee, said that her Government intended to distribute a report on the Committee's session and other related materials to women's organizations throughout the country, to complement the regular consultations which it held with such organizations.

88. With respect to elderly women, there was in her country a Minister of State for Seniors and a secretariat which ensured that Government policies took account of their specific needs. She noted the comment that insufficient attention had been devoted in her country's report, to the position of elderly women and would ensure that the subject was properly addressed in the future. As requested, further information on the Nova Scotia programme would also be included in the next report.

89. There were many reasons why her country had made so much progress in advancing the status of women. A well-defined machinery was in place at both the national and the provincial levels, and the Government was continuing to fund over 600 women's organizations across the country to assist in pressing for women's rights. In economic terms, business, labour and Government were all aware that a skilled work-force required inputs from both men and women. The presence of so many cultures in one country also had a catalytic effect. All those involved were well aware that collective efforts would yield the best results. The reasons for shortcomings in services for children were both economic and social. While society was only just beginning to understand the value of children, there was at the same time no consensus in the country on the role of the State in the provision of child care. It appeared, however, that a strategy would be completed before the end of the current Government's mandate. Furthermore, the figures probably failed to indicate the extent of informal child care that was also available.

90. The statistical document Women in Canada would be provided to all members of the Committee. Although the Royal Commission on Reproductive Technologies, which comprised six Canadian experts in various fields, did not include any representative of Aboriginal women, it was supposed to travel widely and receive submissions from many interested groups. With regard to legislation on abortion, no subject could be more divisive. While the majority appeared to support women's right to choose, opinion was evenly divided on the need for legislation. The Government's bill was an attempt to balance very disparate interests.

91. While it was true that Aboriginal women had to be proficient in either English or French if they were to engage in public activities, a number of programmes were in place for the purpose of maintaining native languages. The minimum age for marriage was subject to provincial legislation, but there was now a trend towards the establishment of a uniform threshold, for both men and women, around the age of 18.

92. With regard to materials concerning violence against women, her country's National Film Board had a special section for films made and produced exclusively by women, which enjoyed an excellent reputation.

(Ms. Stanley, Canada)

93. Efforts to ensure that women were well represented at the highest decision-making levels were co-ordinated by an office within the Office of the Prime Minister called the Secretariat for Appointments. Names were forwarded to the Secretariat by women's organizations, and any appointment lists without women candidates were denied consideration.

94. The division of labour in the home was a major issue in her country. According to studies, a woman with no outside employment received an average of 10 hours' family-related assistance each week from her spouse while a woman with full-time outside employment received 11 hours' such assistance. A number of women were thus doubly burdened, or triply burdened if they were raising children. It was unrealistic, in the context of her country, to expect any assistance from an extended family.

95. In terms of obstacles to the advancement of women, it was indeed difficult to change some people's attitudes and to adapt structures designed by men for men. While opposition had not increased, it had perhaps become better organized. There was, however, no opposition to affirmative action plans, which were enshrined in law. Institutional machinery to promote women's rights was of both an integrated and an advisory nature.

96. In view of the limited time available, she suggested that all remaining questions be answered in writing.

97. Mr. FORTIER (Canada) assured members of the Committee that his Government would continue its efforts to implement all the provisions of the Convention.

98. The CHAIRPERSON, noting the areas in which the delegation of Canada had promised to strive for further progress, urged that it also reiterate its recommendations for women to assume a leading role in the United Nations.

The meeting rose at 1 p.m.

UNITED NATIONS

CEDAW

Convention on the Elimination of all Forms of Discrimination Against Women

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Ninth session

SUMMARY RECORD OF THE 168th MEETING

Held at Headquarters, New York,
on Thursday, 1 February 1990, at 3 p.m.

Chairperson: Ms. EVATT

CONTENTS

Organization of work (continued)

Implementation of article 21 of the Convention (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Department of Conference Services, room DC2-750, 2 United Nations Plaza.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3.10 p.m.

ORGANIZATION OF WORK (continued)

Draft report of Working Group I (Working Paper 4/1990/Add.4)

1. Ms. BERNARD (Co-ordinator of Working Group I) said that Ms. Oeser had by mistake been included in the list of members of the Group in place of Ms. González-Martínez. She then proceeded to note a number of amendments to be made to the report. In the first paragraph on page 6, the words "two weeks" should be amended to "one month". The first sentence of the second paragraph on page 9 should be amended to read: "It was proposed that at each session one meeting should be set aside to discuss the implementation and interpretation of articles of the Convention. To this end, it is suggested that at the tenth session, discussion should focus on articles 5, 9, 12 and 16." In the following paragraph, the note in brackets should be deleted and, in the following paragraph, the words "the Secretariat be asked to update" should be replaced by "the Secretariat make available". On the next page, following the heading "Integration in development", the words "elderly, youth, etc." should be replaced by "elderly and young women". On the same page, the heading "Matters remaining for Working Group I" should be deleted, as well as the word "Rapporteurs" in the following heading. At the end of the penultimate paragraph on that page, the phrase "as well as to answers from States parties' representatives" should be added.

2. She then proceeded to introduce the report of Working Group I, referring to each item in succession.

3. The CHAIRPERSON proposed that, in view of time pressures, seven second periodic reports should be considered the following year, but only four initial reports.

4. Ms. BERNARD (Co-ordinator of Working Group I) replied that, if the procedure suggested by the Group were to be followed, there would be time to consider the five reports originally provided for.

5. Ms. SINEGIORGIS added that the objective of the Committee in meeting was to consider reports and that they should therefore be allocated all the time which they required.

6. The section of the report of Working Group I concerning the consideration of reports at the next session was adopted.

7. The CHAIRPERSON drew the Committee's attention to the recommendation of Working Group I whereby Romania should be invited to present its report at the tenth session.

8. Ms. CORTI thought it inappropriate that Romania should present its report in view of the situation still prevailing in that country.

9. The CHAIRPERSON explained that an open invitation would be sent.

10. Ms. TALLAWY said the Working Group had decided that, if Romania did not wish to present its report, it would not be necessary to consider any other report in its place.

11. Ms. SCHOPP-SCHILLING thought that it might not be the right time to invite Romania. The invitation could perhaps be extended the following year once the country had become more stable.

12. Ms. CREYDT (Secretary of the Committee) noted that Romania had expressed its intention to present its report at Vienna in 1991, but had done so in August 1989, before the situation changed.

13. Ms. ILIC thought that Romania would probably wish to be consulted once again in connection with the presentation of its report.

14. The CHAIRPERSON proposed, with the approval of the Committee, that Romania be given the option of either presenting its report or delaying its presentation. She proceeded to invite consideration of the date of the next session, as indicated on page 4 of the report of Working Group I. The Secretariat had proposed that the session be held from 21 to 25 January 1991. The Working Group proposed that the Committee should ask for permission to meet from 21 January to 1 February 1991, as well as for meetings of a pre-session working group from 14 to 18 January 1991.

15. Mr. MATHIASON (United Nations Office at Vienna) noted the proposal of Working Group I that a pre-session working group meet for five days before the Committee's tenth session in 1991, that daily subsistence allowances be paid to five members of that group and that interpretation services be provided in six languages. That additional meeting would need to be reflected in the calendar of conferences and meetings for 1991 and submitted for approval by the Committee on Conferences and the General Assembly. The programme budget for the biennium 1990-1991 did not allow for the payment of the subsistence allowances requested. The Secretariat had calculated the requirements for the meetings of the working group on a full-cost basis. The subsistence allowances would give rise to additional expenditure of $7,400 under section 8 of the programme budget. Conference services for 10 meetings, including interpretation in six languages, would give rise to expenditure of $63,900 at the current exchange rate. Nevertheless, it was estimated that conference-servicing and interpretation requirements could be met from resources provided for in the programme budget, so that no additional resources would be required. The subsistence allowance requirements could also be met from resources provided for under section 8 of the programme budget, since savings would result from the cancellation of certain planned items of expenditure.

16. The CHAIRPERSON proposed that the words "and before each following session" be inserted between the words "in 1991" and "in accordance with the decision of the Committee" in the first subparagraph of the first paragraph under the heading "Pre-session working group" (p. 5).

17. The section of the report of Working Group I concerning the date of the next session and the work of the pre-session working group was adopted.

18. Ms. SCHOPP-SCHILLING asked, with reference to matters in respect of which further information should be provided, whether that was not the responsibility of the Secretariat.

19. The CHAIRPERSON drew the Committee's attention to the section of the report of Working Group I concerning consolidated guidelines.

20. The section of the report of Working Group I concerning consolidated guidelines was adopted.

21. Ms. SCHOPP-SCHILLING emphasized that the information provided by States parties should refer specifically to women.

22. The CHAIRPERSON suggested, with the Committee's approval, that the relevant paragraph of the report (p. 7, para. 3) should read: "States should make efforts to provide all data disaggregated by sex". She drew the Committee's attention to the section of the report of Working Group I concerning updating of the Committee's report on the achievements of and obstacles encountered by States parties in the implementation of the Convention (A/CONF.116/13) submitted at the Nairobi World Conference, and suggested that the words "and interpretation" should be deleted from the fourth paragraph, as amended.

23. The section of the report of Working Group I concerning updating of the report of the Committee on the achievements of and obstacles encountered by States parties in the implementation of the Convention (A/CONF.116/13) submitted at the Nairobi World Conference was adopted.

24. Ms. CREYDT (Secretary of the Committee) said that the Secretariat would not be able to "complete the analysis and distribute relevant material prior to the next session", as requested in the report, because it would need not only to receive the information contained in all the reports of States parties with respect to the corresponding article but also to compile and collate the information submitted. Unless extrabudgetary resources were made available to it, the Secretariat would not be able to carry out that task.

25. The CHAIRPERSON drew the Committee's attention to the section of the report of Working Group I concerning the consideration of initial reports.

26. Ms. SINEGIORGIS proposed deleting that entire section from the report.

27. Ms. BERNARD (Co-ordinator of Working Group I) said that the purpose of the proposal was to avoid wasting time.

28. After a discussion in which Ms. SINEGIORGIS, Ms. BERNARD, Ms. SCHOPP-SCHILLING, Ms. FENGER-MOLLER, Ms. CREYDT (Secretary of the Committee), Ms. DIALLO SOUMARE, Ms. CORTI and Ms. WALLA-TCHANGAI took part, the Committee decided to delete that section of the report of Working Group I.

29. The report of Working Group I, as amended, was adopted.

Report of Working Group II (Working Paper 3/1990/Add.7/Rev.1)

30. Ms. SCHOPP-SCHILLING (Co-ordinator of Working Group II) said that the report of Working Group II should be amended by adding "(Working Paper 3/1990/Rev.2)" after "female circumcision" in the first paragraph following the list of background papers and "(Working Paper 3/1990/Add.4/Rev.1)" after "(AIDS)" in the same paragraph. "(Working Paper 3/1990/Add.3)" should be added after the first sentence of the paragraph beginning "Recommendation on women in development aid".

31. The Working Group was submitting two draft recommendations for approval by the Committee: the first on the practice of female circumcision (Working Paper 3/1990/Rev.2) and the second on avoidance of discrimination against women in national strategies for the prevention and control of acquired immunodeficiency syndrome (AIDS) (Working Paper 3/1990/Add.4/Rev.1). The draft recommendation on the practice of female circumcision was a compromise text. The original text, which had been broader, had been attached to the Group's report for the Committee's information.

32. The Working Group had considered other recommendations, but had been unable to take decisions on them for lack of time, and had deferred consideration of them to the next session.

Draft recommendation entitled "Avoidance of discrimination against women in national strategies for the prevention and control of acquired immunodeficiency syndrome (AIDS)" (Working Paper 3/1990/Add.4/Rev.1)

33. Ms. BERNARD proposed that the phrase "to States parties" be deleted from the operative paragraph after the word "Recommends". Paragraphs (a), (c) and (d) should begin "That States parties ..." and paragraph (b) should begin "That, in programmes to combat AIDS there should be provided ...".

34. It was so decided.

35. Ms. TALLAWY said she was not sure that women infected with AIDS were discriminated against, as stated in paragraph (d) of the recommendation, and that a number of reports even indicated that fewer women than men were infected with AIDS.

36. The CHAIRPERSON observed that in some developed countries, women with AIDS were clearly discriminated against - as were men, but for different reasons.

37. Ms. GUAN proposed that the recommendations adopted by consensus in Working Group II should be adopted and that consideration of the other recommendations be deferred to the next session.

38. The draft recommendation entitled "Avoidance of discrimination against women in national strategies for the prevention and control of acquired immunodeficiency syndrome (AIDS)" (Working Paper 3/1990/Add.4/Rev.1), as amended, was adopted.

Draft proposal entitled "Female circumcision" (Working Paper 3/1990/Rev.2)

39. Ms. BERNARD proposed that the words "to States parties" be deleted from the operative paragraph after "Recommends", and that paragraphs 1, 2, 3 and 4 should begin "That States parties ...".

40. Ms. SINEGIORGIS asked why the term "excision" was used in the French version of the draft recommendation.

41. Ms. DIALLO SOUMARE explained that in French, the term "excision" was used in reference to girls and denoted a custom. "Circumcision", used in reference to boys, was an operation of a religious nature.

42. Ms. WALLA-TCHANGAI agreed with the explanation given by Ms. Diallo Soumare.

43. Ms. BERNARD proposed that both terms should be included.

44. The CHAIRPERSON said that the problem existed only in the French version and that the French-speaking members of the Committee should contact the Secretariat translation services in order to reach an agreement.

45. Ms. WALLA-TCHANGAI said that "excision" in French was a medical term and that, the Committee could consult WHO to be on the safe side.

46. Ms. CORTI said that irrespective of whether it was medical or not, circumcision was a broader term. There were various types of circumcision and she would therefore prefer to use the word "circoncision" in French.

47. The CHAIRPERSON proposed that the English version of the recommendation should be adopted and that the question of the French translation should be referred to the Secretariat, in consultation with the French-speaking members of the Committee.

48. It was so decided.

49. The English version of the draft proposal entitled "Female circumcision" (Working Paper 3/1990/Rev.2) was adopted.

50. Ms. FORDE asked, on behalf of Ms. GONZALEZ-MARTINEZ, whether the possibility was being considered of attaching to the proposal the original document submitted to the Working Group.

51. The CHAIRPERSON said that the Committee would first decide whether or not consideration of the draft recommendations which Working Group II had been unable to consider should be deferred.

52. Ms. SCHOPP-SCHILLING (Co-ordinator of Working Group II) said that the report of the Working Group stated that a decision had been taken to defer consideration of the other recommendations.

53. Ms. LAIOU-ANTONIOU said that the recommendations on women workers had been discussed with the ILO representative and that she would prefer not to defer their consideration.

54. Ms. OESER agreed that consideration of the other recommendations should be deferred.

55. Ms. SCHOPP-SCHILLING (Co-ordinator of Working Group II) read out an amendment to the Group's report which involved adding the words "but could not be discussed in detail and are therefore submitted to the Committee for further discussion", after "were accepted as topics" in the paragraph beginning "Recommendations on unpaid women workers". The rest of the paragraph would be deleted.

56. The CHAIRPERSON asked whether the Committee wished to consider the recommendations.

57. Ms. CORTI noted that the recommendations had been considered on time and the relevant observations had been made, but that no final decision had been taken to defer them to the next session. She was prepared to accept the recommendations, but stressed that a decision to that effect had not been taken.

58. Ms. LAIOU-ANTONIOU and Ms. BERNARD proposed that the Committee consider the recommendations.

59. Ms. DIALLO SOUMARE proposed that, in view of the importance of the recommendations for developing countries and the lack of time, their consideration should be deferred to the tenth session.

60. Ms. LAIOU-ANTONIOU insisted that if the recommendations were considered immediately, countries could save time and take measures such as requesting ILO assistance.

61. A vote was taken on the proposal to defer consideration of the recommendations submitted to the Committee by Working Group II.

62. The proposal to defer to the tenth session consideration of the recommendations submitted to the Committee by Working Group II was adopted.

63. Ms. TALLAWY said that a working group must be established to consider the recommendations in detail and then refer them to the whole Committee.

64. The CHAIRPERSON said that the recommendation to request background information from the Secretariat on the measures taken by States parties to promote de facto equality between men and women afforded an opportunity to set priorities for the debate and the recommendations of the next session. If the Committee accepted that recommendation, it would be able to prepare the corresponding topics.

65. The recommendation was adopted.

66. The CHAIRPERSON recalled that Working Group II had recommended that the original revised document on female circumcision be appended to its report.

67. After a brief discussion on the proposal, in which Ms. OESER, Ms. SINEGIORGIS, Ms. BERNARD, Ms. FORDE and Ms. GUAN took part, it was agreed that a decision should be deferred to the following meeting.

The meeting rose at 6.05 p.m.

UNITED NATIONS

CEDAW

Convention on the Elimination of all Forms of Discrimination Against Women

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6 February 1990

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Ninth session

SUMMARY RECORD OF THE 169th MEETING

Held at Headquarters, New York,
on Friday, 2 February 1990, at 10 a.m.

Chairperson: Ms. EVATT

CONTENTS

Implementation of article 21 of the Convention (continued)

Adoption of the report of the Committee on its ninth session

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The meeting was called to order at 10.30 a.m.

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION (continued)

1. The CHAIRPERSON said that the members of the pre-session working group had so far been: for the Group of Asian States, Ms. Akamatsu, representative; for the Group of Eastern European States, Ms. Oeser, representative, and Ms. Ilić, alternate; and for the Group of Latin American and Caribbean States, Ms. Alfonsín de Fasán, representative, and Ms. Forde, alternate.

Draft report of Working Group II (continued) (Working Papers 3/1990/Add.6/Rev.1 and Add.7/Rev.1)

2. The CHAIRPERSON recalled that the Committee had agreed that consideration of a number of the recommendations proposed by Working Group II should be deferred, but suggested that the proposed recommendation on female circumcision (Working Paper 3/1990/Rev.1) should be annexed to the Committee's report rather than go into the file.

3. Ms. UKEJE (Rapporteur) observed that the working paper in question should not be included in the report because that would set an unfortunate precedent. Instead, it should go into the file for reference.

4. Ms. SINEGIORGIS, supported by Ms. BERNARD, said that if the proposed recommendation were simply placed in the file, no one would know about it. She suggested therefore that if the recommendation was placed in the file, it should be accompanied by all the relevant documentation and a reference made to those materials in the Committee's report, indicating that they were available for consultation.

5. Ms. OESER supported the suggestion and proposed that a paragraph should also be added to the report indicating precisely what proposals for future recommendations had been made, so as to make that knowledge public.

6. The CHAIRPERSON confirmed that all draft proposals and the full documentation on female circumcision would be put in the file and that the report would indicate that they were available for consultation.

7. Ms. TALLAWY requested clarification concerning the status of working papers that were not appended to the report of Working Group II, and specifically the proposal in Working Paper 3/1990/Add.6/Rev.1.

8. The CHAIRPERSON said that every proposal on every subject would be put in the file and referred to in the report. The proposal in Working Paper 3/1990/Add.6/Rev.1, however, would be included in the report. The report would indicate which proposals had been adopted and which had been deferred and placed on file.

9. Ms. TALLAWY said that the proposal in Working Paper 3/1990/Add.6/Rev.1, which the Committee had adopted, clearly reflected what the focus of the Committee's recommendations should be.

10. She was not convinced that the Committee's procedure in respect of AIDS and female circumcision was the right one. The Committee's mandate was to concentrate on better ways of implementing the Convention, whereas those were specialized subjects that were best handled by bodies that were more competent to deal with them, such as WHO.

11. The CHAIRPERSON said that she agreed with the previous speaker and that the Committee would establish priorities in respect of recommendations at its next session.

12. Ms. OESER said that she too agreed with Ms. Tallawy. The Committee's procedures in respect of Working Group II should be clarified in a paragraph of the report. All pending draft decisions and recommendations should always be appended to the report of Working Group II.

13. The Committee adopted the draft report of Working Group II.

ADOPTION OF THE REPORT OF THE COMMITTEE ON ITS NINTH SESSION (CEDAW/C/L.7 and Add.1-11)

14. Ms. ILIĆ said that many sections of the draft report failed to reflect the additional comments that had been made and the questions that had been raised in the Committee. That information was available in the summary records and she hoped that the relevant sections of the report would be amended accordingly.

CEDAW/C/L.7

15. Ms. UKEJE (Rapporteur) said that, at the suggestion of the Chairperson, the following wording had been added at the end of paragraph 4: "She stated that a conference had just been held in New York by the International Women's Rights Action Watch to celebrate the tenth anniversary of the adoption of the Convention. The CEDAW Committee played an important role in making the Convention effective; its questions, suggestions and recommendations helped to define the scope of the Convention and the obligations of States parties. The process of constructive dialogue helped States to find the best means to give effect to their obligations".

16. Ms. GONZALEZ MARTINEZ said that the second sentence of paragraph 7 might create the impression that the Director-General of UNOV considered the Committee inefficient. She was sure that such an impression was not intended.

17. Ms. SINEGIORGIS agreed with Ms. González Martínez and suggested that the sentence in question be deleted from the draft report.

18. Ms. SELLAMI-MESLEM (Director, Division for the Advancement of Women) said she felt that the Director-General's remarks should be properly reflected in the report.

19. The CHAIRPERSON said that it was the prerogative of the Committee to decide how the Director-General's statement was reflected. Her address would in any case be fully covered in the corresponding summary record.

20. The section of the draft report contained in document CEDAW/C/L.7, as amended, was adopted.

CEDAW/C/L.7/Add.1-4

21. The sections of the draft report contained in documents CEDAW/C/L.7/Add.1-4 were adopted.

CEDAW/C/L.7/Add.5

22. Ms. GONZALEZ MARTINEZ proposed that the first sentence of paragraph 12 should be amended to read: "The Committee noted with concern the number and coverage of the reservations entered by the Government as they could contravene the intent and essential objectives of the Convention." She also proposed that the following sentence be inserted immediately after the first sentence: "A number of experts noted that the number and thrust of those reservations appeared to reflect a unilateral interpretation of the Convention." In the original third sentence of the same paragraph, the words "other international conventions" should be amended to read "the International Covenants".

23. The following sentence should be added at the end of paragraph 22: "Questions were also asked about the situation of immigrant women."

24. Ms. PILATAXI DE ARENAS said that the final sentence of paragraph 27 should be amended to read: "Information was requested concerning the measure recommended by the Women's National Commission for police co-operation in cases of domestic violence.

25. The section of the draft report contained in document CEDAW/C/L.7/Add.5, as amended, was adopted.

CEDAW/C/L.7/Add.6

26. Ms. PILATAXI DE ARENAS said that the words "views of women" in the last line of paragraph 17 should be amended to read "views and attitudes of both women and teachers".

27. The section of the draft report contained in document CEDAW/C/L.7/Add.6, as amended, was adopted.

CEDAW/C/L.7/Add.7

28. Ms. UKEJE (Rapporteur) said that the Chairperson had proposed the addition of the following paragraph after paragraph 17:

(Ms. Ukeje)

"18. In response to the replies of the Federal Republic of Germany, members of the Committee commented that it would be valuable if information could be included in the second periodic report of the Federal Republic of Germany about measures to make it easier for women (and men) to combine their work and family responsibilities, such as child care, part-time work with equivalent conditions and re-entry programmes, and also about programmes to encourage girls to broaden their educational and vocational choices. It would help if data could be included to show change in those and other areas."

29. The section of the draft report contained in document CEDAW/C/L.7/Add.7, as amended, was adopted.

CEDAW/C/L.7/Add.8

30. The section of the draft report contained in document CEDAW/C/L.7/Add.8 was adopted.

CEDAW/C/L.7/Add.9-11

31. Ms. GONZALEZ MARTINEZ said that some additional paragraphs were required to reflect the comments made by members of the Committee after the formal presentation of replies.

32. Ms. TALLAWY agreed with Ms. González Martínez and said that the failure to reflect such comments constituted a major deficiency in the draft report.

33. The CHAIRPERSON, supported by Ms. ILIĆ, agreed that members' comments must be incorporated.

34. Ms. UKEJE (Rapporteur), noting that the dialogue conducted between members of the Committee and States parties after the submission of formal replies was a new departure, said it was unjust to refer to the failure to include such material as a deficiency.

35. The CHAIRPERSON, supported by Ms. TALLAWY, assured members of the Committee that no criticism of those involved in writing the report had been intended. It was simply necessary to ensure that the new pattern of dialogue was properly reflected in the report.

36. The sections of the draft report contained in documents CEDAW/C/L.7/Add.9-11 were adopted, subject to the inclusion of further material to reflect comments made by members of the Committee.

The meeting rose at 12.05 p.m.